Washington, Wednesday, February 4, 1953

TITLE 7-AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

MISCELLANEOUS AMENDMENTS

Notice of a proposed amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70) was published on July 30, 1952, in the Federal Register (17 F. R. 6964) The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087. 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

The amendment grants the Administrator a greater discretion in the rejection of applications for grading or inspection service and for the demal of such service to persons presently receiving the service. This amendment is deemed necessary to protect and maintain the integrity of, and public confidence in, the grading and inspection service.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the amendment hereinafter set forth is promulgated to become effective thirty (30) days following publication in the Federal Register.

The amendment is as follows:

- 1. Amend paragraph (f) § 70.6 Applying for grading service or inspection service, to read as follows:
- (f) Rejection of application. Any application for grading or inspection service may be rejected by the Administrator (1) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (2) whenever the product is owned by or located on the

premises of a person currently denied the benefits of the act: (3) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the act or was responsible in whole or in part for the current denial of the benefits of the act to any person; or (4) where he determines that the application is an attempt on the part of a person currently denied the benefits of the act to obtain grading or inspection service. Each such applicant shall be notified promptly of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator within 10 days after notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application.
Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant of the reasons for the rejection thereof.

2. Amend § 70.7 Denial of scrvice to read as follows:

§ 70.7 Denual of service. (a) The following acts or practices may be deemed sufficient cause for the debarment of any person by the Administrator from any or all benefits of the act for a specified period after notice and opportunity for hearing has been accorded him:

(1) Misrepresentation, deceptive, or fraudulent acts or practices. Any wilful misrepresentation or any deceptive or fraudulent act or practice found to be made or committed by any person in connection with:

(1) The making or filing of any application for any grading service or inspection service, appeal or regrading service;

(ii) The making of the product acces-

sible for grading or inspection;
(iii) The use of any grading certificate or inspection certificate issued pursuant to the regulations in this part or the use of any official stamp, label, or identification;

(iv) The use of the terms "United States," or "U. S." in conjunction with the grade of the product:

(v) The use of any of the aforesaid terms or an official stamp, label, or iden-

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amended June 19, 1937.

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tification in the labeling or advertising of any product; or

(vi) The use of the terms "Government graded," "Federal-State graded,"

"U. S. inspected," "Government inspected," or terms of similar import in the labeling or advertising of any product.

"U. Vice of taccimile terms." The un-

(2) Use of facsimile forms. The unauthorized use of a form which simulates in whole or in part any official certifi-

cate, stamp, label, or identification authorized to be issued or used under the regulations in this part to evidence the inspection or grade of any product.

(3) Wilful violation of the regulations. Any wilful violation of the regulations in

this part.

(4) Interfering with a grader or inspector. Any interference with or obstruction of any grader or inspector in the performance of his duties by intimidation, threat, bribery, assault or any other improper means.

(5) Misleading labeling. The use of the terms "Government graded," "Federal-State graded," or terms of similar import in the labeling of any product without stating in the label the U.S. grade of the product as determined by an

authorized grader.

(6) Miscellaneous. The existence of any of the conditions set forth in § 70.6 (f) constituting a basis for the rejection of an application for grading or inspection service.

(b) Whenever the Administrator has reason to believe that any person, or his employee, agent, or representative has flagrantly or repeatedly committed any of the acts or practices specified in paragraph (a) of this section, he may without hearing, direct that the benefits of the act be denied such person pending investigation and hearing. A written petition for reconsideration of such interim denial may be filed with the Administrator by any person so denied the benfits of the act within 10 days after notice of the interim denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying the benefits of the act pending investigation and hearing. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall reinstate the benefits of the act or notify the petitioner of the reasons for continued interim denial.

3. Delete § 70.8 Interfering with a grader or inspector

(Sec. 203, 69 Stat. 1030, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 30th day of January 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-1145; Filed, Feb. 3, 1953; 8:50 a.m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061 (Special Program 53)-1, Supp. 1]

PART 707—FARM LAND RESTORATION PROGRAM

SUBPART-1953

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act and Public Law 371, 82d Congress, the 1953 Farm Land Restoration Program, issued June 6, 1952 (17 F R. 5306) is amended as follows:

- 1. Section 707.204 is amended by revising the third sentence to read as follows:
- § 707.204 Eligible restoration practices. * * * Only those practices which are approved for a farm by the county committee on or before December 31, 1953, and which are carried out during the period April 15, 1952, through December 31, 1953, will be eligible for assistance on the farm. *
- 2. Section 707.250 is amended by revising paragraph (j) to read as follows:
 - § 707.250 Definitions. * * *
- (j) "Program year" means the period April 15, 1952, through December 31,
- 3. Section 707.253 (a) is amended to read as follows:
- § 707.253. Applicability. (a) The provisions of this program are applicable in the following counties:

Iowa. Fremont, Harrison, Mills, Monona, West Pottawattamie, Woodbury.

Kansas. Atchison, Doniphan, Leaven-

worth, Wyandotte.

Minnesota. Aitkin, Benton, Brown, Carver, Dakota, Hennepin, Lac qui Parle, LeSueur, Lyon, Nicollet, Renville, Scott, Sibley, Swift, Traverse, Yellow Medicine.

Missouri. Andrew, Atchison, Boone, Buchanan, Callaway, Carroll, Chariton, Clay, Cole, Cooper, Franklin, Gasconade, Holt, Howard, Jackson, Lafayette, Moniteau, Monteway, Monte March 1988,

gomery, Osage, Platte, Ray, St. Charles, St. Louis, Saline, Warren.

Montana. Blaine, Hill, Phillips, Valley.

Nebraska. Boyd, Burt, Cass, Cedar, Dakota, Dixon, Douglas, Knox, Nemaha, Otoe, Richardson, Sarpy, Thurston, Washington.

North Dakota. Billings, Burleigh, Emmons, Golden Valley, McKenzie, McLean, Mercer, Morton, Oliver, Slope, Williams.

South Dakota. Armstrong, Beadle, Bon Homme, Brookings, Brown, Brule, Buffalo, Campbell, Charles Mix, Clay, Corson, Davison, Dewey, Gregory, Hughes, Hutchison, Lyman, McCook, Minnehaha, Moody, Potter, Sanborn, Spink, Stanley, Sully, Tripp, Turner, Union, Walworth, Yankton. The provisions of this program are also applicable in the following additional counties in South Dakota, but program assistance in these counties is limited to repair or rehabilitation of livestock water dams and spillways and other structures connected with these dams: Butte, Edmunds, Faulk, Haakon, Hand, Harding, Hyde, Jones, McPherson, Meade, Perkins, Ziebach.

Utah. Box Elder, Cache, Carbon, Davis, Duchesne, Emery, Juab, Morgan, Salt Lake, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Weber.

(Sec. 4, 49 Stat. 164; 16 U.S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; Pub. Law 371, 82d Cong.; 16 U.S. C. 590g-590q)

Done at Washington, D. C., this 30th day of January 1953.

[SEAL] EZRA TAFT BENSON. Secretary of Agriculture.

[F. R. Doc. 53-1182; Filed, Feb. 3, 1953; 8:55 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 904-MILK IN THE GREATER BOSTON MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Correction

In F R. Doc. 53-1110, appearing on page 665 of the issue for Saturday, January 31, 1953, the following change should be made:

In the thirty-first line of the second column on page 665, "\$5.68" should read **'\$5.65'**'

PART 936-FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

MISCELLANEOUS AMENDMENTS

Notice was published in Federal REGISTER ISSUE of January 6, 1953 (18 F R. 120) that the Department was giving consideration to the proposed amendment of the rules and regulations (7 CFR 936.100 et seq., Subpart-Rules and Regulations; 17 F R. 541) currently in effect pursuant to the amended marketing agreement and Order No. 36 (7 CFR Part 936) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et sea.)

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof) it is hereby found and determined that the changed representation on the Elberta Peach Commodity Committee is based, so far as practicable, upon the proportionate quantity of Elberta peaches shipped from the respective districts during the preceding three seasons. The approval of the amendment, as hereinafter set forth, of said rules and regulations is in accordance with the provisions of said amended marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amend-ment is hereby approved; and the said rules and regulations are amended as follows:

- 1. Delete § 936.102 Terms and insert, in lieu thereof, the following new sec-
- § 936.102 Elberta peaches. "Elberta peaches" as used in this part means Regular Elbertas (also known as Rumphs, Old Elbertas, and Late Elbertas) and the following peaches, commonly referred to as strains of Elberta peaches:
- (a) Early Elbertas (also known as Gleason Elbertas and Early Fays),

- (b) Fay Elbertas (also known as Gold Medals and Golden Elbertas), and
- (c) Burbank July Elbertas (Plant Patent No. 15) (also known as Early Elbertas, Burbank Elbertas, Burbanks, Jewels, Kim Elbertas, July Elbertas, Bodines, Brentwood Beautys, Burnetts, June Elbertas, Golden Elbertas, Mulberrys, Socalas, and California Elbertas. and by other synonyms)
- § 936.103 Terms. All other terms used in this subpart shall have the same meaning as when used in the marketing agreement and order.
- 2. Amend the provisions of § 936.117 to read as follows:
- § 936.117 Changes in the representation of certain districts on Elberta Peach Commodity Committee. The representation or membership on the Elberta Peach Commodity Committee is changed to provide for:
- (a) Three (3) members to represent the area included in the Fresno District;
- (b) Two (2) members to represent the area included in the Tulare District and Kern District;
- (c) One (1) member to represent the area included in the Stanislaus District: and
- (d) One (1) member to represent all of the territory in California not included in the foregoing districts.
- It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the Federal Register (60 Stat. 237, 5 U.S. C. 1001 et seq.) in that (1) meetings of growers have been scheduled for the purpose of nominating successors to the members and alternate members of the three commodity committees pursuant to §§ 936.20 through 936.23 of the amended marketing agreement and order (2) it is essential that the aforesaid amendment be issued immediately so as to enable the Control Committee effectively to perform its duties in accordance with said amended marketing agreement and order; (3) handlers have been notified of the adoption, and recommendation to the Secretary, by said committee of the aforesaid amendment and were afforded the opportunity to submit written data, views, or arguments with respect thereto; and (4) the changes effectuated by the aforesaid amendment do not require of handlers any special preparation therefor which cannot be completed by the effective time hereof. (Sec. 5, 49 Stat. 753, as amended: 7 U. S. C.

Issued this 30th day of January 1953. to be effective upon the date of publication in the Federal Register.

[SEAL] EZRA TAFT BENSON, Secretary of Agriculture.

[F. R. Doc. 53-1146; Filed, Feb. 3, 1953; 8:50 a. m.]

foj-

Commodity

Dept. of Com Reference Expectation

TITLE 15—COMMERCE AND FOREIGN TRADE

ö Chaper III—Bureau of Foreign and Domestic Commerce, Department

Subchapter C-Office of International Trade

[6th Gen Rev of Export Regs Amdt 301]

Part 376—Periodic Requirements License

COMMODITIES SUBJECT TO PERIODIC REQUIREMENTS LICENSE

Commodities subject to Periodic Requirements Section 376 51 Supplement 1; Commodities subject to Period License is amended by adding thereto the following commodities:

multiple recent of decay, including truck tracter. The 3 and termi Direct (new), 10,000 pounds grees velices and truck decay, enabling truck tracter. The 3 and termined with truck and unit a connected, then the first state of the second tract.

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r. R 12246, 3 OFR 1945 Supp; E O 8916, Jan 3, 1948 13 F R 59, 3 OFR 1948 Supp) O 9630, Sept 3, 63 Stat 7; 65 Stat 43; 50 U S O App Sup 2023

This amendment shall become effective as of January 29, 1953

Director, Office of International Trade

Loning K Macy,

[F R Doc 63-1181; Filed Feb 3, 1963; 8:65 a m

30, This amendment was published in Current Export Bulletin No 692, dated January

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| | | ection |

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of Export Regs, Amdt P

6th Gen Rev

| Section 399 1 Appendix A—Positive List of Commodities is amended in th | Appendix | A-Positive | List of | Commodities | is amended | in t |
|--|----------|------------|---------|-------------|------------|------|
| lowing particulars: | 13: | , | , | | į | |

| | The following revisions are made in commodity descriptions: |
|-------------------|---|
| | commodity |
| | nade in |
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| | evision |
| ving particulars: | ollowing |
| ving pai | The f |
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| | _, _ | | |
|---|--|--|---|
| Validated lleense required | no | 100 | |
| GLV dollar value limits | 100 | None | |
| Processing code and related commodity group | MINE | SATE | |
| Unit | | å | |
| Commodily | Petroleum field production equipment, n.e.e, and sneedily fabricated marts, n.e.e (sneety by mana) | (report oil country tubular product Analytical balances, including sof microchemical halynes, assay ha | rees, and electronic balances (ex ces: single, double and triple bes ances; pulp balances; and spec |
| Dopt. of Com merco Schedulo B No | 733920 | ¥8000IG | |

* The commodifies describe I in this Positive List entry are excepted from the provisions of General In Transit Lorne GIT. See § 310 (e) of this subcline of the List subcline of Transit Transit appropriate for the first process. In the positive List under Schedule B No 733939 The effect of this rowision is to eleftly the excrage and make 310 and are change.

2 The above reef's I tentry is subclituted for the entry presently on the Positive List under Schedule B No 919053 The effect of this rowision is to eleftly the coverage and makes no substantive change. this subchapter). Accordingly, the star (*) following the Schedule B number and the footnote related thereto are deleted:

This part of the amendment shall become effective as of January 29, 1953
2 The dollar value limit in the column headed 'GLV dollar-value limit' set forth opposite the commodities listed below is amended to read as follows:

| IEK | | | | | | |
|------------------|--|---|---|---|--|----------------------|
| | Geophile, notural: Amerphono (") exily earben sontent and esmitry of exigin) | This part of the amendment shall become effective as of 12:01 a m, January 29, 1953 | 4 The following commodities are made subject to the IC/DV procedure | (see § 373 34 of this subchapter) and to the dollar-limit (DL) restrictions (see § 374 2 (6) of this subchapter), re- | spectively Accordingly the letters "A" and "B" are inserted in the column headed "Commodity Lists" opposite those commodities: | |
| Erhedulo B No | 67210 | This p come eff 29, 1953 | 4 Ti | to the see si | spectively and "B" headed ", | |
| UI.V | dellar Value Hmits | នន | 63 | S | \$ | |
| | Commedity | Philinim and allied metals: Patinium ereand e mentales., Istinum ant all 56 in ingels, Iste, cheets, and ether | f ring, fucinding recip. Poledium, rhedium, fridium, cont. | esminm meral on 1 olloys Platinum montristuse, c. c. (men ting l'attinum prac l'inor- ubeturesont platinum erajests) | (specify by name and prittnum content) Platinum allied metal manufac- tures, n c. c. (including plated) (specify by name and platinum falled metal seatons) | anica hickar company |
| Dent. of | Echr Tile B No | (E) | 00200 | ಆಸಾ | 02530 | |

This part of the amendment shall become effective as of 12:01 a m, January 29, 1953
3 The following commodity is removed from the group of commodities excepted from the General In-Transit License (GIT) procedure (§ 371 9 (e) of

| Commodity | Cabalt: Cobalt dental alloys (formerly 016594) |
|--|---|
| Dept of Com Energo Edicomio B No | 022100 |
| -90 11 A | ies Ste |

This part of the amendment shall become effective as of March 16, 1953, as to the IC/DV procedure (see § 373.34 of this subchapter) and effective as of February 28, 1953, as to the dollar-limit (DL) restrictions.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U.S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

> LORING K. MACY, Director

Office of International Trade.

[F. R. Doc. 53-1180; Filed, Feb. 3, 1953; 8:55 a. m.]

TITLE 6-AGRICULTURAL CREDIT

Chapter IV-Production and Marketing Administration and Commodity Credit Corporation, Department of Agrıculture

Subchapter C-Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support-Bulletin 1, Amdt. 4 to Supp. 1, Barley]

> PART 601-GRAINS AND RELATED COMMODITIES

SUBPART-1952-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 3771, 4834, 5713, and 7405 and containing the specific requirements for the 1952-crop Barley Price Support Program are hereby amended as follows:

Paragraph (c) of § 601.1558 Support rates is amended by changing the basic county support rates as follows:

a. Union County, New Mexico, is changed from \$1.08 per bushel to \$1.12 per bushel.

b. Sarpy County, Nebraska, is changed from \$1.23 per bushel to \$1.28 per bushel. (Sec. 4, 62 Stat. 1070, as amended: 15 U.S.C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714, 7 U. S. C. Sup. 1447, 1421)

Issued this 30th day of January 1953.

W E. UNDERHILL, Acting Vice President Commodity Credit Corporation.

Approved:

JOHN H. DAVIS, President

Commodity Credit Corporation.

[F R. Doc. 53-1184; Filed, Feb. 3, 1953; 8:56 a. m.]

[1952 C. C. Grain Price Support Bulletin 1, Amdt. 3 to Supplement 1, Ryel

> PART 601-GRAINS AND RELATED COMMODITIES

SUBPART-1952-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 17 F R. 3777, 4835 and 7959, and containing the specific requirements for the 1952-Crop Rye Price Support Program are hereby amended as follows:

Paragraph (c) of § 601.1908 Support rates is amended by adding to the list of basic county support rates county names and rates as follows:

| Ra | ite pei |
|----------------------|---------|
| County• b | usħel |
| Dolores County, Colo | |
| Clark County, Kans | 1.36 |
| Greeley County, Kans | |
| Thomas County, Kans | 1.36 |
| Wichita County, Kans | 1.35 |
| Coryell County, Tex | 1.44 |

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421)

Issued this 30th day of January 1953.

[SEAL] W. E. UNDERHILL. Acting Vice President, Commodity Credit Corporation.

JOHN H. DAVIS, President.

Commodity Credit Corporation.

[F. R. Doc. 53-1186; Filed, Feb. 3, 1953; 8:56 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 531901

PART 8-LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

REQUIREMENTS ON ENTRY: RECEIPTS

1. The keeping of entry records on customs Form 5101 serves little or no purpose in some districts. However, in other districts the keeping of these records serves a useful purpose. In order that collectors may dispense with the maintenance of files of customs Form 5101 for use as a memorandum entry record at ports where such records are not needed, the requirement that the importer prepare and present a copy of such form shall be at the discretion of the collector. Accordingly, and in order that pertinent regulations may be under appropriate subject matter, § 8.8 of the Customs Regulations of 1943 (19 CFR 8.8) as amended, is hereby further graph (c) to read as follows:

§ 8.8 Requirements on entry. (c) When required by the collector as a memorandum entry record for purposes of local administration, a copy of

customs Form 5101 shall be prepared and presented by the importer with each formal or appraisement entry, except those covering shipments declared to be for more than one actual owner.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U.S. C. 66, 1624. Interprets or applies sec. 484, 46 Stat. 722, as amended; 19 U.S.C. 1484)

2. To conform to the amendment of § 8.8 of the regulations (19 CFR 8.8), and to eliminate duplication of matter now contained in § 25.16 of the regulations (19 CFR 25.16), § 24.9 of the Customs Regulations of 1943 (19 CFR 24.9) as amended, is hereby further amended to read as follows:

§ 24.9 Receipts. When an importer desires a receipt for duties or taxes paid on a formal or appraisement entry, he shall prepare and present with the entry a copy of customs Form 5101, for such purpose.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U.S. C. 66, 1624)

ESEAL D. B. STRUBINGER. Acting Commissioner of Customs.

Approved: January 28, 1953,

A. N. OVERBY. Acting Secretary of the Treasury.

[F. R. Doc. 53-1171; Filed, Feb. 3, 1953; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I-Bureau of Internal Revenue, Department of the Treasury

Subchapter A-Incomo and Excess Profits Taxos [T. D. 5976; Regs. 111]

PART 29-INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

COMPENSATION OF CERTAIN MEMBERS OF THE ARMED FORCES; ABATEMENT OF INCOME TAX FOR SUCH MEMBERS UPON DEATH

On December 13, 1952, notice of proposed rule making, regarding amendments to the income tax regulations made necessary by sections 305 and 334 of the Revenue Act of 1951, approved October 20, 1951, was published in the Federal Register (17 F R. 11340). No objection to the rules proposed having been received, the amendments to Regulations 111 (26 CFR Part 29) set forth below are hereby adopted:

Paragraph 1. There is inserted immediately preceding § 29,22 (b) (13)-1 the following:

SEC. 305. COMPENSATION OF CERTAIN MEM-BERS OF THE ARMED FORCES (REVENUE ACT OF

1951, APPROVED OCTOBER 20, 1951).
(a) Amendment of section 22 (b) (13). Section 22 (b) (13) (relating to exclusion from gross income of compensation of cortain members of the armed forces) is heroby amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

(A) Enlisted personnel. Compensation received for active service as a member below the grade of commissioned officer in the armed forces of the United States for any month during any part of which such member-

(i) Served in a combat zone after June

24, 1950, and prior to January 1, 1954, or
(ii) Was hospitalized as a result of
wounds, disease, or injury incurred while
serving in a combat zone prior to January
1, 1954; but this clause shall not apply for any month during any part of which there are no combatant activities in any combat zone as determined under subparagraph (C) (iii) of this paragraph.

(B) Commissioned officers. So much of the compensation as does not exceed \$200 received for active service as a commissioned

officer in the armed forces of the United States for any month during any part of which such officer—

(i) Served in a combat zone after June 24, 1950, and prior to January 1, 1954, or

- (ii) Was hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone prior to January 1, 1954; but this clause shall not apply for any month during any part of which there are no combatant activities in any combat zone as determined under subparagraph (C) (iii) of this paragraph.
- (b) Definition of service in combat zone. Clause (iii) of section 22 (b) (13) (C) is hereby amended by striking out "such zone; and" and mserting in lieu thereof "such zone, except that June 25, 1950, shall be considered the date of the commencing of combatant activities in the combat zone designated in Executive Order 10195; and"
- (d) Effective dates. The amendments made by subsections (a) and (b) shall be applicable to taxable years ending after June 24. 1950. * * *
- PAR. 2. Section 29.22 (b) (13)-2, as added by Treasury Decision 5832, approved March 8, 1951, is hereby amended as follows:
- (A) By changing the headnote and paragraphs (a) and (b) thereof to read as follows:
- § 29.22 (b) (13)-2 Compensation of members of the armed forces of the United States for service in a combat zone after June 24, 1950, and prior to January 1, 1954, or for service while hospitalized as a result of such combat-zone service. In addition to the exemptions and credits otherwise applicable, section 22 (b) (13) provides that there shall be excluded from gross income:
- (a) Compensation received for active service as a member below the grade of commissioned officer in the armed forces of the United States for any month during any part of which such member (1) served in a combat zone after June 24, 1950, and prior to January 1, 1954, or (2) was hospitalized at any place as a result of wounds, disease, or injury incurred while so serving provided that during all of such month there are combatant activities in some combat zone.
- (b) In the case of compensation received for active service as a commissioned officer in the armed forces of the United States for any month during any part of which such officer (1) served in a combat zone after June 24, 1950, and prior to January 1, 1954, or (2) was hospitalized at any place as a result of wounds, disease, or injury incurred while so serving: Provided, That during all of such month there are combatant activities in some combat zone, so much of such-compensation as does not exceed \$200.

The exclusions under section 22 (b) (13) and this section are applicable only if active service is performed in a combat zone after June 24, 1950, and prior to January 1, 1954. Compensation is subject to exclusion whether or not it is received outside a combat zone or while the recipient is hospitalized or in a year (including a year after 1953) different from that in which the service was rendered for which the compensation is

paid. Service is performed in a combat zone only if it is performed in an area which the President of the United States has designated by Executive order, for the purpose of section 22 (b) (13) as an area in which armed forces of the United States are or have (after June 24, 1950) engaged in combat, and only if it is performed on or after the date designated by the President by Executive order as the date of the commencing of combatant activities in such zone (except that the date June 25, 1950, in the combat zone designated in Executive Order 10195, shall be considered the date of the commencing of combatant activities in such zone) and on or-before the date designated by the President by Executive order as the date of the termination of combatant activities in such zone. If a member of the armed forces serves in a combat zone or is hospitalized for any part of a month, he is entitled to the exclusion for such month to the same extent as if he had served in such zone, or had been hospitalized, for the entire month.

(B) By adding after the first undesignated paragraph following paragraph (b) thereof the following:

If an individual is hospitalized for a wound, disease, or injury while serving in a combat zone, the wound, disease, or injury will, unless the contrary clearly appears, be presumed to have been incurred while serving in a combat zone. In certain cases, however, a wound, disease, or mjury may have been incurred while serving in a combat zone even though the individual was not hospitalized for it while so serving. And, in exceptional cases, a wound, disease, or injury will not have been incurred while serving in a combat zone even though the individual was hospitalized for it while so serving.

These principles may be illustrated by the following examples:

Example (1). An individual is hospitalized in a combat zone for a specific disease after having served in such zone for three weeks. The incubation period of such disease is from two to four weeks. Such disease was incurred while serving in the combat zone.

Example (2). The facts are the came as in example (1) except that the incubation period is one year. Such disease was not incurred while serving in the combat zone.

Example (3). A member of the Air Force, stationed outside the combat zone, is shot while participating in an aerial flight over the combat zone, but is not hespitalized until he returns to his home base. Such injury was incurred while serving in a combat zone.

Example (4). An individual is hospitalized for a specific disease three weeks after having departed from a combat zone. The incubation period of such disease is from two to four weeks. Such disease was incurred while serving in a combat zone.

An individual is hospitalized only until such time as his status as a hospital patient ceases by reason of his discharge from the hospital,

Par. 3. There is inserted immediately following § 29.153-4, as added by Treasury Decision 5838, approved April 17, 1951, the following:

SEC. 334. ADATEMENT OF INCOME TAX FOR CHETARN MEMBERS OF ARRIVE FORCES UPON DEATH (INVENUE ACT OF 1951, APPROVED COTORER 20, 1951).

Supplement D of chapter 1 of the Internal Revenue Code (relating to returns and payment of tax) is hereby amended by adding at the end thereof the following new section:

Sec. 154. Income Taxes of Members of

ARRIED FORCES UPON DEATH.

In the case of any individual who dies after June 24, 1950, and prior to January 1, 1954, while in active cervice as a member of the Armed Forces of the United States, if such death occurred while cerving in a combat zone (as determined under section 22 (b) (13)) or as a result of wounds, disease, or injury incurred while so serving—

(a) The tax imposed by this chapter shall not apply with respect to the taxable year in which falls the date of his death, or with respect to any prior taxable year ending on or after the first day he so served in a combat zone after June 24, 1950; and

(b) The tax under this chapter and under the corresponding title of each prior revenue law for taxable years preceding those specified in clause (a) which is unpaid at the date of his death (including interest, additions to the tax, and additional amounts) shall not be accessed, and if assessed the assessment shall be abated, and if collected shall be credited or refunded as an overpayment.

§ 29.154-1 Abatement of income taxes of certain members of the armed forces of the United States upon death. (a) If an individual dies after June 24, 1950, and prior to January 1, 1954, while in active service as a member of the armed forces of the United States, and such death occurs while serving in a combat zone, as determined under section 22 (b) (13) or at any place as a result of wounds, disease, or injury incurred while so serving, then:

(1) The tax liability of such individual under chapter 1 for the taxable year ending on the date of his death, or for any prior taxable year ending on or after the first day he so served in a combat zone after June 24, 1950, is cancelled and if the tax (including interest, additions to the tax, and additional amounts) is assessed, the assessment shall be abated, and if the amount of such tax is collected (regardless of the date of collection) the amount so collected shall be redited or refunded as an overpayment; and

(2) That amount of tax of such individual for taxable years preceding those specified in subparagraph (1) of this paragraph under chapter 1, or corresponding provisions of prior revenue laws, which remains unpaid as of the date of death shall not be assessed, and if any such unpaid tax (including interest, additions to the tax, and additional amounts) has been assessed, such assessment shall be abated, and if the amount of any such unpaid tax is collected subsequent to the date of death, the amount so collected shall be credited or refunded as an overpayment.

(b) If such an individual and his spouse have for any such year filed a joint return, the tax abated, credited, or refunded pursuant to the provisions of section 154 for such year shall be an amount equal to that portion of the joint tax liability which is the same percentage of such joint tax liability as a tax com-

puted upon the separate income of such individual is of the sum of the taxes computed upon the separate income of such individual and his spouse, but with respect to taxable years ending prior to June 24, 1950, and with respect to taxable years ending prior to the first day such individual served in a combat zone, as determined under section 22 (b) (13). the amount so abated, credited, or refunded shall not exceed the amount unpaid at the date of death. For such purpose, the separate tax of each spouse shall be the tax computed under chapter 1 before the application of sections 32, 35, and 322 (a) but after the application of section 31, as if such spouse were required to make a separate return.

(c) If such an individual and his spouse filed a joint declaration of estimated tax for the taxable year ending with the date of his death, the estimated tax paid pursuant to such declaration may be treated as the estimated tax of either such individual or his spouse, or may be divided between them, in such manner as his legal representative and such spouse may agree. Should they agree to treat such estimated tax, or any portion thereof, as the estimated tax of such individual, the estimated tax so paid shall be credited or refunded as an overpayment for the taxable year ending with the date of his death.

(d) For the purpose of determining the tax which is unpaid at the date of death, any amounts deducted and withheld under subchapter D of chapter 9 constitute payment of a tax imposed un-

der chapter 1.

(e) This section shall have no application whatsoever with respect to the liability of an individual as a transferee of property of a taxpayer where such liability relates to the tax imposed upon the taxpayer by chapter 1.

(f) As to what constitutes active service as a member of the armed forces, service in a combat zone, and wounds. disease, or injury incurred while serving in a combat zone, see § 29.22 (b) (13)-2. As to who are members of the armed forces, see § 29.3797-11.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791):

[SEAL]

JUSTIN F WINKLE. Acting Commissioner of Internal Revenue.

Approved: January 29, 1953.

M. B. FOLSOM. Acting Secretary of the Treasury. [F. R. Doc., 53-1172; Filed, Feb. 3, 1953; 8:52 a. m.]

[T. D. 5978; Regs. 1301

PART 40-EXCESS PROFITS TAX: TAXABLE YEARS ENDING AFTER JUNE 30, 1950

CONSOLIDATION OF NEWSPAPERS

On December 4, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F R. 10973) to amend Regulations 130 (26 CFR Part No objections to the rules proposed having been received within the thirty days following publication, such serting immediately after § 40.459 (b) -1 (b) the following:

SEC. 518. CONSOLIDATION OF NEWSPAPERS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 459, as added by section 516 and 517 of this act, is hereby amended by adding after subsection (b) thereof the following new subsection:

(c) Consolidation of newspaper operations. In the case of a taxpayer engaged primarily in the newspaper publishing business in its last taxable year ending before July 1, 1950.

(1) After the close of the first half of the base period of the taxpayer and prior to July 1, 1950, the taxpayer consolidated its mechanical, circulation, advertising, and accounting operations in connection with its newspaper publishing business with such operations of another corporation engaged in the newspaper publishing business in the same area; and

(2) The taxpayer establishes to the satisfaction of the Secretary that, during the period beginning with the consolidation and ending with the close of the first taxable year beginning after the consolidation, such consolidation resulted in substantial reductions in the amounts which would otherwise have been paid or incurred as expenses in the conduct of the operations described in paragraph (1); and either

(3) The total deductions of the taxpaver under section 23, computed without regard to section 23 (s) and (bb), for the first taxable year beginning after such consolidation were not in excess of 80 per centum of the average of such deductions for the two taxable years of the taxpayer next preceding the taxable year in which such operations were

consolidated: or

(4) The excess profits net income of the taxpayer, computed as provided in section 433 (b), for the first taxable year of the tax-payer beginning after such consolidation was 125 per centum or more of the amount determined under section 435 (d) (4);

the taxpayer's average base period net income determined under this subsection shall be an amount computed under section 435 (d) plus an amount equal to the excess of the average of the amounts paid or incurred as expenses in the conduct of the operations described in paragraph (1) during the two taxable years of the taxpayer next preceding the taxable year in which such operations were consolidated over such amounts paid or incurred during the first taxable year of the taxpayer beginning after such consolidation. In determining such excess amount proper adjustment shall be made for increase in labor costs and newsprint following such consolidation. Proper adjustment shall also be made for any case in which a taxable year referred to in this subsection is a period of less than twelve months. This subsection shall not be applicable to any taxable year of the taxpayer unless the consolidation described in paragraph (1) was continued throughout such taxable year.

SEC. 523. EFFECTIVE DATE OF TITLE V (REVE-NUE ACT OF 1951, APPROVED OCTOBER 20, 1951). Except as otherwise provided in section 506 (d), the amendments made by this title (including sec. 518) shall be applicable only with respect to taxable years ending after June 30, 1950.

§ 40.459 (c)-1 Consolidation of newspapers. (a) A taxpayer which was engaged primarily in the newspaper publishing business in its last taxable year ending before July 1, 1950, which after the close of the first half of its base period and before July 1, 1950, consolidated certain of its operations with those of another corporation engaged in the same regulations are hereby amended by in- business in the same area, and which sat-

isfies all the requirements set forth in paragraphs (1) and (2) and in either paragraph (3) or paragraph (4) of section 459 (c) may compute its average base period net income, for the purpose of computing its excess profits tax for any taxable year ending after June 30, 1950, under the provisions of section 459 (c) instead of under any other applicable provision of the Code. The average base period net income may be computed under section 459 (c) in determining the excess profits tax for any taxable year, however, only if the consolidation described in paragraph (1) of section 459 (c) was continued throughout such taxable year. The average base period net income computed under section 459 (c) shall be used in computing the taxpayer's excess profits tax for any taxable year if, and only if, the use of such average base period net income computed under section 459 (c) results in a lesser excess profits tax than would result from any other allowable computation of such tax. -

(b) If the taxpayer is to compute its average base period net income under section 459 (c) it must establish to the satisfaction of the Commissioner, under the provisions of paragraph (2) of section 459 (c), that the consolidation referred to in paragraph (1) of section 459 (c) resulted in substantial reductions in the amounts which otherwise would have been paid or incurred as expenses (within the meaning of section 23 (a) (1) (A)) in the conduct of the operations described in paragraph (1) of section 459 (c) during the period beginning with such consolidation and ending with the close of the first taxable year beginning after such consolidation. If the taxpayer first claims the benefits of section 459 (c) on its return or on an amended return or in a claim for refund, it must attach a statement to such return or amended return or claim for refund containing sufficient information to enable the Commissioner to determine whether the requisite substantial reductions in expenses occurred.

(c) The taxpayer must satisfy the conditions of either paragraph (3) or paragraph (4) of section 459 (c) in order to be allowed to compute its average base period net income under section 459 (c) Under the provisions of paragraph (4) the excess profits net income of the taxpayer, computed as provided in section 433 (b) for its first taxable year beginning after the consolidation described in paragraph (1) of section 459 (c) must be 125 percent or more of the amount determined under section 435 (d) (4) which relates to the computation of the average base period net income under the general average method. Section 433 (b) provides for the computation of excess profits net income for taxable years in the base period for the purpose of computing average base period net income. For the purpose of the test set forth in paragraph (4) of section 459 (c), however, the excess profits net income for the first taxable year of the taxpayer beginning after the consolidation shall be computed in the manner provided in section 433 (b) without regard to whether or not such first taxable year is a taxable year in the base period.

(d) (1) The average base period net income computed under section 459 (c) shall be the sum of the following two amounts:

(i) The amount computed under section 435 (d) (relating to the computation of average base period net income under the general average method), and

(ii) An amount equal to the amount by which the average of the amounts paid or incurred as expenses in the conduct of the operations described in paragraph (1) of section 459 (c) during the two taxable years of the taxpayer immediately preceding the taxable year in which the consolidation described in paragraph (1) of section 459 (c) occurred exceeded such amounts paid or incurred during the first taxable year of the taxpayer beginning after such consolidation.

(2) In determining the excess amount described in subdivision (ii) of subparagraph (1) of this paragraph, proper adjustment shall be made for any increase in the cost per unit of labor or newsprint, due to wage or price increases, following such consolidation. If the taxpayer can show by relevant data and under generally accepted principles of accounting that its average unit costs of labor or newsprint in its first taxable year beginning after the consolidation were higher, due to wage or price increases, than its average unit costs of labor or newsprint in its two taxable years immediately preceding the taxable year in which the consolidation took place, then the amount specified in subdivision (ii) of subparagraph (1) of this paragraph shall be determined by substituting for the costs of labor or newsprint in such first taxable year amounts determined on the basis of its average unit costs of labor or newsprint in such two taxable years immediately preceding the taxable year in which the consolidation occurred.

(3) If the first taxable year beginning after the consolidation described in section 459 (c) (1) or if either of the two taxable years immediately preceding the taxable year in which such consolidation occurred is a taxable year of less than 12 months, then, in determining the amount specified in subdivision (ii) of subparagraph (1) of this paragraph, the amounts paid or incurred as expenses in such taxable year in the conduct of the operations described in paragraph (1) of section 459 (c) shall be such amounts as would be reflected in a computation on an annualized basis under the method set forth in section 433 (a) (2) (A) Similarly, if the first taxable year beginning after the consolidation or either of the two taxable years immediately preceding the taxable year in which the consolidation occurred was a taxable year of less than 12 months, then in determining whether the taxpayer meets the requirement set forth in paragraph (3) of section 459 (c) the total deductions of the taxpayer referred to in such paragraph (3) for such short taxable year shall be the amount which would be reflected in a computation on an annualized basis under the method set forth in section 433 (a) (2) (A). If the first taxable year beginning after the consolidation was a taxable year of less than 12 months, the excess profits net income for such short taxable year shall also be annualized under the method set forth in section 433 (a) (2) (A). In each case proper adjustment shall be made to prevent distortion with respect to nonrecurring items,

(4) If the average base period net income is computed under section 459 (c) and this section for the purpose of determining the excess profits tax for any taxable year, the base period capital addition provided in section 435 (f) shall not be allowed in determining such tax for such year.

(53 Stat. 32; 26 U.S. C. 62)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of
Internal Revenue,

Approved: January 28, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-1174; Filed, Feb. 3, 1953;
8:53 a. m.]

TITLE 27—INTOXICATING LIQUORS

Chapter I—Bureau of Internal Revenue, Department of the Treasury

[T. D. 5977; Regs. 5]

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

LABELING; NAME AND ADDRESS

Notice of public hearing to be held in Washington, D. C., on December 19, 1952, with respect to certain proposals to amend Regulations No. 5, Relating to Labeling and Advertising of Distilled Spirits, was published in the Federal Register on December 3, 1952 (17 F. R. 19908)

Upon the conclusion of the said hearing and after consideration of all relevant material submitted by interested persons in connection therewith regarding the proposals, the following amendments to section 35 (27 CFR 5.35) are hereby adopted:

1. By deleting the present paragraphs (a) and (b) of § 5.35, and inserting in lieu thereof the following new paragraph (a)

(a) "Bottled by" On labels of domestic distilled spirits, there shall be stated the phrase "bottled by", immediately followed by the name (or trade name) of the bottler and the place where such distilled spirits are bottled. If the bottler is the actual bona fide operator of more than one bottling plant engaged in bottling the same brand of distilled spirits, there may be stated immediately following the name (or trade name) of such bottler the addresses of the plants at which such product is bottled: Provided. That the state of distillation is stated as provided by paragraph (e) of this section: Provided further

(1) That, where distilled spirits are bottled by or for the distiller thereof, there may be stated, in lieu of the phrase "bottled by" followed by the bottler's name (or trade name) and address, the phrase "distilled by" followed by the name (or trade name) under which the particular spirits were distilled, and the address (or addresses) of the distiller:

(2) That, where distilled spirits are bottled by or for the rectifier thereof, there may be stated, in lieu of the phrase "bottled by" followed by the bottler's name (or trade name) and address, the phrases "blended by" "made by" "prepared by", "manufactured by" or "produced by" (whichever may be appropriate to the act of rectification involved) followed by the name (or trade name) under which the distilled spirits were rectified, and the address (or addresses) of the rectifier.

2. By redesignating the present paragraph (c) as paragraph (b) and by amending the phrase "by paragraphs (a) and (b)" in the first sentence of paragraph (c) (4) to read "by paragraph (a)"

3. By deleting paragraphs (d) and (e) and inserting in lieu thereof a new paragraph (c) as follows:

(c) "Bottled for" In addition to the requirements of paragraphs (a) and (b) of this section, there may also be stated the name and address of the person for whom the distilled spirits are bottled, immediately preceded by the words "bottled for" or "distributed by" or other similar statement.

4. By redesignating the present paragraphs (f) (g), and (h) as paragraphs (d), (e) and (f) respectively.

These amendments relieve restrictions presently contained in the regulations and shall become effective on the date of publication in the FEDERAL REGISTER. (53 Stat. 375, 26 U. S. C. 3176)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of
Internal Revenue.

Approved: January 28, 1953.

M. B. Folsom, Acting Secretary of the Treasury.

[F. R. Doc. 53-1173; Filed, Feb. 3, 1953; 8:53 a.m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 14, Amdt. 19]

CPR 14—CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

NEW TABLE A MARKUPS FOR CLASS 4 (INSTITUTIONAL) WHOLESALEES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 19 to Ceiling Price Regulation 14 is hereby issued.

STATILIENT OF CONSIDERATIONS

The original statement of considerations accompanying CPR 14 contained

a statement that "At the present time, the best markups available are those which were used by the OPA in issuing MPR's 421, 422 and 423, and which were in effect from 1943-1946. In order to act now, the Director of Price Stabilization has generally employed these markups for most food categories for most distributors. The Office of Price Stabilization is now organizing a study of margin and earning figures for food distributors in order to obtain more recent comprehensive data. If the study should indicate that the ceiling prices established under this regulation are either too low or too high, the regulation will be promptly revised to reflect the results of the survey."

The Food Margin Survey was therefore originally planned to carry out this statement of policy.

The Defense Production Act was subsequently amended by the addition of the "Herlong" amendment to require that price control regulations allow wholesalers and retailers "* * their customary percentage margins over costs of the materials or their customary charges during the period May 24, 1950, to June 24, 1950 * * *"

The Food Margin Survey has now been completed, and the data analyzed.

For Class 4 (Institutional) Wholesalers the data show that in order to

meet the Herlong requirement, a new set of Table A markups must be substituted for those presently provided. However, for other classes of wholesalers the present markups are shown by the data to meet the requirements of the Herlong amendment.

Certain categories of dry groceries have been decontrolled or suspended, and therefore, although, in the light of the survey, new markups might be indicated for these categories, they do not appear in this amendment.

In formulating this amendment, the Director of Price Stablization has consulted with industry representatives, including trade association representatives, and has given full consideration to their recommendations. This consultation included discussions with the Industry Advisory Committee. In the judgment of the Director the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 14 is amended in the following respects:

1. Section 35, paragraph (a) Table A, is revised to read as follows:

Table A-Markup Figures To Be Used by Wholesalers in Figuring Ceiling Prices for Items Covered by This Regulation by Commodities

[Figures to be multiplied by net cost]

| | | | | |
|---|--------------------|----------------|-----------------|-----------------|
| | Class 1 | Class 2 | Class 3 | Class 4 |
| Food commodities | Retailer- owned | Cash and | Service and | Institu- |
| | coopera- | carry | delivery | tional |
| | · tives | - | | V.U |
| 1. Baby foods | 1,06 | 1,085 | 1, 135 | 1, 185 |
| Cercals, breakfast. Cocoa, chocolate, and cercal drink preparations. | 1.035 | 1.06 | 1.03 | 1.13 |
| 3. Cocoa, chocolate, and cereal drink preparations. | 1.07 | 1,035 | 1, 125 | 1.19 |
| 4 (201100 | 1 055 | 1.065 | 1.09 | 1.14 |
| 5. Cookies, crackers, toast and crumbs. 6. Corn meal and hominy | 1.11 | 1.15 | 1.20 | 1.25 |
| 6. Corn meat and nominy | 1.055 1.055 | 1.085 1.085 | 1.12 1.12 | 1.30 |
| 7. Dog and cat foods | 1.055 | 1.085 | 1, 12 | 1, 20 1, 105 |
| 8. Fish, processed | 1.00 | 1.13 | 1. 103 | 1.20 |
| 9. Flour | 1.07 | 1.075 | 1 110 | 1.15 |
| 10. Frozen foods | 1.24 | 1.24 | 1.24 | 1.29 |
| 11. Fruits, berries and fruit mices (canned) except fruit cocktail. | | |) | l . |
| pincapple, peaches and pears | 1, 105 | 1.155 | 1.18 | 1, 185 |
| | | | | • |
| juices ! | | | | |
| 13. Fruits, dried and dehydrated ¹ . 14. Gelatin and pudding mixtures. 15. Jams, Jellies, preserves, honey and peanut butter. | | | | |
| 15. Tome follow processes below and popul button | 1.115 | 1.07 1.14 | 1, 105 1, 19 | 1.21 1.31 |
| 16. Lard, pure | 1.115 | 1.14 | | 1.18 |
| 17. Macaroni and spaghetti products | ו מחיד | 1.115 | 1.15 | 1.225 |
| 18. Mayonnaise and salad dressing | 1.08 | 1.12 | 1.16 | 1, 285 |
| 19. Meat. canned | 1.055 | 1.08 | 1.10 | 1.18 |
| 20. Milk, canned | 1.635 i | 1.035 | 1.045 | 1.095 |
| 21. Oils, cooking and salad | 1 1 107 1 | 1.075 | 1.10 | 1.15 |
| 22. Oleomargarine | 1.045. | 1.085 | 1,14 | 1.075 |
| 23. Pickies and relishes 1 | | | | |
| 24. Rice | 1.075 1.045 | 1.095 1.045 | 1.13 1.06 | 1.21 1.10 |
| 26. Shortening, other. | 1.045 | 1.045 | 1.06 | 1.10 |
| 27. Soups, canned | 1.045 | 1.015 | 1.00 | 1.165 |
| 28. Soups, dehydrated | 1.06 | 1, 105 | 1.13 | 1.25 |
| 29. Spices 1 | 00 | 1.100 | | 1.20 |
| 20. Spices 1 | 1.07 | 1.10 | 1, 115 | 1. 25. |
| 31. 4769 | 1 106 1 | 1.095 | 1.115 | 1.30 |
| 32. Vegetables and vegetable juices (canned) except corn, green | | | | |
| beans, peas, tomatoes and tomato juice. 33. Corn, green beans, peas, tomatoes and tomato juice (canned) ¹ . | 1.07 | 1, 14 | 1.20 | 1.25 |
| 33. Corn, green beans, peas, tomatoes and tomato juice (canned)1. | | | | |
| 34. Vegetables, dried and dehydrated 1 | 1 10 | 1 10 | 1 02 | |
| 36. Miscellaneous foods | 1. 12 1. 11 | 1, 16 1, 15 | 1.23 | 1.35 1.28 |
| UV. MINUCIAMICVAD IVVAD | 1,11 | 1.10 | 1 | 1.20 |
| | <u> </u> | | <u> </u> | |

All commodities in this category are excluded from price control.

(6) "Corn meal and hominy" means corn meal, corn grits, hominy, hominy grits, hominy flakes and prepared homcanned hominy, which is in "Vegetables and vegetable juices, canned"

3. Section 35, paragraph (c) (6) is revised to read as follows:

- (6) "Corn meal and hominy" cluded are: None.
- 4. Section 35, paragraph (d) (6) is revised to read as follows:
- (6) "Corn meal and hominy" cluded are: Water ground corn meal.
- 5. Section 35, paragraph (b) is amended by adding after subparagraph (6) a new subparagraph, category (6a), to read as follows:
- (6a) "Flour mixes" means flour mixes milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including but not limited to prepared pancake, biscuit, pie crust, and gingerbread mix and any item containing ingredients to prepare crust and filling for pies.
- 6. Section 35, paragraph (c) is amended by adding after subparagraph (6) a new subparagraph, category (6a), to
- read as follows:
 (6a) "Flour mixes" Excluded are: None.
- 7. Section 35, paragraph (d) is amended by adding after subparagraph (6) a new subparagraph, category (6a), to read as follows:
- (6a) "Flour mixes" Excluded are: None.

(Sec. 704.64 Stat. 816, as amended; 50 U.S. C. App. Sup. 2154)

Effective date. This amendment shall become effective February 7, 1953.

JOSEPH H. FREEHILL, Director of Price Stabilization.

FEBRUARY 2, 1953.

[F. R. Doc. 53-1217; Filed, Feb. 2, 1953; 4:00 p. m.]

CPR 34-Services

SR 38-PROCESSING SERVICES OF FROZEN FOOD LOCKER PLANTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F.R. 738) this Supplementary Regulation 38 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 38 to Ceiling Price Regulation 34 authorizes operators of frozen food locker plants to increase complete processing service charges to ultimate consumers for the processing of meats. It permits these sellers to increase their ceiling prices, otherwise determined pursuant to Ceiling Price Regulation 34, by one cent per pound for the service of completely processing customer-owned carcasses and wholesale cuts of beef, veal, pork and lamb.

The action taken herein is necessary because of a substantial decline since the base period (December 19, 1950, to January 25, 1951, inclusive) in the prices received by locker plant operators from the sale of inedible meat by-products. The charges for processing meats owned by the customer have always been augmented by revenue derived from the sales of suet, fat, bones and other by-products left over from the cutting and trimming of meats. This additional revenue is

^{2.} Section 35, paragraph (b) (6) is iny. Not included in this definition is revised to read as follows:

considered by the industry as a part payment for the rendering of processing

Information available to the Office of Price Stabilization indicates that the present market prices received by locker plant operators for the sale of medible meat by-products are in the average below the base period market prices resulting in a substantial decrease in income to the frozen food locker plant industry for processing services. increase of one cent a pound permitted by this supplementary regulation, which is uniformly applicable to all locker plant processors, is determined to be the minimum increase necessary to assure the continued supply of essential processing services at prices which are fair and equitable to both the industry and the consumer.

The authorized price increase may be utilized by locker plant operators only where carcasses, including sides, quarters and wholesale cuts of meat are completely processed. .The complete processing service must consist of such component services as chilling, cutting, wrapping, labelling and freezing. No increase in present ceiling prices may be obtained under this supplementary regulation for these services singly. Further, no increases in prices are permitted for the processing of retail or fabricated cuts of meat, specialty products, lard rendering, curing or smoking, or the processing in any form of game, poultry, fish, fruits and vegetables.

This supplementary regulation does not permit frozen food locker plant operators to increase present wholesale and retail ceiling prices of meats established under other OPS regulations, nor does it apply to processing services rendered by commercial storage plants, meat packers, stockyards and slaugh-

Since this supplementary regulation is designed to compensate locker plant operators for reduced overall processing service charges caused by a decline in the selling prices of meat by-products rather than the impairment of normal pre-Korean earnings, the affected sellers are not precluded from making use of the individual adjustment provisions of section 20 of Ceiling Price Regulation 34.

In the formulation of this supplementary regulation, the Director has consulted extensively insofar as practicable with representative suppliers of these services, including representatives of trade associations and the Department of Agriculture, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increase permitted by this supplementary regulation is necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec. 1. Purpose.

- Relationship to Ceiling Price Regulation 34.
- 3. Ceiling prices.
- 4. Filing.
- Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U.S. C.

App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110; E. O. 10161, Sept. 9, 1959, 16 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. Purpose. The purpose of this regulation is to permit frozen food locker plants (see definition in section 5 (3)) to increase service charges by one cent per pound for the complete processing of meats.

Sec. 2. Relationship to Ceiling Price Regulation 34. All provisions of CPR 34, as amended, except as affected by the provisions of this supplementary regulation, shall remain in full force and effect.

Sec. 3. Ceiling prices. (a) If you operate a frozen food locker plant you may increase your ceiling prices established under sections 5, 6 or 7 of Ceiling Price Regulation 34, as amended, by one cent per pound for the service of completely processing customer owned carcasses, including sides, quarters, and wholesale cuts of beef, yeal, pork and lamb.

(b) This increase in ceiling prices of one cent per pound is in lieu of, and not in addition to, any other increase over the dollar and cent element of the ceiling price formula for your complete processing services to which you might otherwise be entitled under Ceiling Price Regulation 34 by reason of the decrease since the base period in the price you receive for any meat by-products as part of your compensation for the services you render. For example, if during the base period, your locker plant rendered a complete processing service at a price of 4 cents a pound to your customers plus all non-edible meat by-products with a base period resale value of 2 cents a pound, for a total of 6 cents, and currently you can realize an average resale value of by-products of only 1 cent a pound, you may under this regulation increase the price to your customers from 4 cents to 5 cents a pound plus the non-edible meat by-products for a similar total of 6 cents a pound. You may not, however, increase the price charged your customers for complete processing services by more than one cent a pound even though your realization for any meat by-products has declined since the base period.

SEC. 4. Filing. Within 10 days after establishing your ceiling prices under this regulation, you must prepare and file a statement with the appropriate district office of the Office of Price Stabilization, in accordance with section 18 (c) of Ceiling Price Regulation 34.

Sec. 5. Definitions. As used in this supplementary regulation to Ceiling Price Regulation 34:

(a) "Complete processing" is your complete custom processing service applied to beef, veal, pork, and lamb, and which includes such operations as chilling, cutting, wrapping, labelling, freezing, and in addition, any other operation as you customarily performed (ageing, grinding, boning, etc.)

(b) "Carcasses", "sides", "quarters", and "wholesale cuts" are defined and described in the following OPS commodity regulation: For beef see Appendix 2 of CPR 24, Collation 2; Appendix 3 of CPR

25, Reviced; for pork see Appendix 2 of CPR 74; for lamb see Appendix 2 of CPR 92, Collation 1, and for yeal see Appendix 2 of CPR 101.

(c) "Frozen food locker plants" include any establishments which primarily offer frozen food storage service in individual lockers, and provide complete custom processing services on meat owned by customers.

Effective date. This supplementary regulation shall become effective February 7, 1953.

Note: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Joseph H. Freehill, Director of Price Stabilization.

FEDRUARY 2, 1953.

[F. R. Doc. 53-1218; Filed, Feb. 2, 1953; 4:00 p. m.]

[General Overriding Regulation 9, Amdt. 32]

GOR 9—EXEMPTION OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

EXELIPTION OF CUT TACKS AND SMALL CUT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 32 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from price control sales of cut tacks and small cut nails.

Cut tacks and small cut nails are cut from sheet steel but, unlike wire tacks and nails, they are not usually produced by steel mills. There are about ten companies which include cut tacks and small cut nails among their product lines, but the tacks and nails constitute only a small percentage of the total production by these manufacturers of fasteners of various kinds, such as wire tacks and nails, wire staples, grommets, eyelets and the like. In fact, total volume amounts only to about \$8,000,000 annually, and has been gradually de-clining for a number of years because of the development and increasing use of these other types of fasteners.

Cut tacks and small cut nails do not enter significantly into the cost of living nor do their prices have any noticeable effect on current industrial costs. It has been estimated that cut tacks and small cut nails account for less than one-fourth of 1 percent of the costs of any consuming industry.

Control of an item of such relative unimportance involves administrative difficulties disproportionate to the benefits to be derived from the retention of ceiling prices. Furthermore, because of the competition of other types of fasteners such as wire tacks and nails, it is anticipated that any upward movement of the prices of cut tacks and small cut nails which may result from decontrol will be within-reasonable limits.

As is plain from the foregoing, this action does not apply to wire tacks or wire nails.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, and will in no way defeat or impair the price stabilization program or the objectives of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 9 is amended in the following respects:

Section 2 (a) is amended by adding thereto a new subparagraph numbered (32) and reading as follows:

(32) Sales of cut tacks and small cut nails. "Cut tacks and small cut nails" are those tacks and nails cut from sheet steel known as tack plate, and described in the tables contained in "Cut Tacks and Small Cut Nails, Simplified Practice Recommendation R47-49," approved February 1, 1949, and issued by the United States Department of Commerce.

(Sec. 704, 64 Stat. 816, as amended; 50 U.S.C. App. Sup. 2154)

Effective date. This Amendment 32 to General Overriding Regulation 9 is effective February 2, 1953.

JOSEPH H. FREEHILL, Director of Price Stabilization.

FEBRUARY 2, 1953.

[F. R. Doc. 53-1214; Filed, Feb. 2, 1953; 2:23 p. m.]

[General Overriding Regulation 32, Special Order 12]

GOR 32—Adjustment of Ceiling Prices for Materials to the Minimum Prices Fixed by State Laws

SO 12—SELLERS OF CIGARETTES IN CONNECTICUT

CEILING PRICES RAISED TO CONFORM WITH CONNECTICUT MINIMUM PRICE LAW FOR CIGARETTES

Statement of considerations. This special order raises the ceiling prices of Connecticut cigarette sellers above those previously established under regulations of the Office of Price Stabilization (OPS) where necessary to conform to the minimum prices required to be charged for cigarettes by Part III of Chapter 98 of the Connecticut General Statutes, as amended (hereinafter referred to as the Connecticut Law) This action does not presently affect ceiling prices of Connecticut cigarette sellers which are at or above the minimum prices required by that act on the effective date of this special order. Provision is also made for the adjustment of ceiling prices of cigarette sellers subject to the Connecticut Law in the event of a change in the minimum prices computed pursuant to that Law and in some instances for the establishment of ceiling prices for new brands of cigarettes sold in Connecticut.

This special order is issued pursuant to section 5 of General Overriding Regulation (GOR) 32. That regulation was issued by the OPS to conform to the requirements of section 402 (1) of the Defense Production Act of 1950, as amended. GOR 32 sets forth certain facts which must be shown to exist in a particular State before the OPS is required by the above-noted statutory provision to raise ceiling prices to the minmum prices required by the law-of that State.

It appears from the information contained in the application of the Tax Commissioner for the State of Connecticut that the Connecticut Law was in effect and enforced on June 30, 1952, and on December 15, 1952 (the date of application) that the Connecticut Law has not been held invalid by any court of competent jurisdiction; and that the ceiling prices of some cigarette sellers in the State of Connecticut are lower than the minimum sales prices required to be charged by that Law.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 5 of GOR 32 this special order is hereby issued.

1. Ceiling prices of cigarette sellers subject to Part III of Chapter 98 of the Connecticut General Statutes, as amended up to June 30, 1952 (hereinafter referred to as the Connecticut Law) which are below the minimum sales prices computed pursuant to that Law are hereby raised to those minimum sales prices.

2. If the minimum prices for brands of cigarettes sold in Connecticut on December 15, 1952 (the date of application by the Connecticut State Tax Commissioner) have increased after that date pursuant to the Connecticut Law such higher minimum prices shall, become ceiling prices as hereinafter specified in this paragraph, upon the sending of a report by the Connecticut State Tax Commissioner by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. That report will indicate the reason for the change as well as the computations by which the new required minimum prices have been determined and will list the new prices for various brands of cigarettes. The higher minimum prices so reported shall be established as ceiling prices for the sellers affected by paragraph 1 hereof and any other seller subject to the Connecticut Law whose ceiling prices would, as a result of such change, be below the new required minimum prices. If the minimum prices for brands of cigarettes sold in Connecticut on December 15, 1952, are decreased after that date pursuant to the Connecticut Law ceiling prices of the sellers affected by paragraph 1 hereof shall be established at the new required minimum prices. However, where such lower minimum prices are below the ceiling prices in effect immediately prior to the date of this special order, these ceiling prices shall be in effect after such change in the minimum prices.

3. If new brands of cigarettes are sold in Connecticut after December 15, 1952, the cigarette sellers subject to the Connecticut Law who are unable to compute ceiling prices for the new brands pursuant to section 5 of the General Ceiling

Price Regulation (because their comparison brands are not priced under section 3 of the General Ceiling Price Regulation but are priced under paragraph 1 or 2 of this special order) shall take as their ceiling prices for such new brands the minimum sales prices computed for them in accordance with the Connecticut Law. These prices will be established as ceiling prices for such cigarette sellers upon the sending of a report by the Connecticut State Tax Commissioner by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. This report will set forth the brand names of the cigarettes and the minimum sales prices required to be charged for them in accordance with the Connecticut Law and will indicate how these minimum prices were computed.

4. Nothing in this special order shall prevent a cigarette seller subject to the Connecticut Law whose ceiling prices would be affected by the Connecticut State Tax Commissioner's filing the report set forth in paragraph 2 or 3 hereof. from filing such report in his own behalf. The individual seller may use as his ceiling prices the minimum prices required by the Connecticut Law upon his mailing of such report unless and until such seller is notified by the OPS that the reported prices are disapproved or that further information is required. In the event of a request for further information, the reported minimum prices shall not be used as ceiling prices until such further information is sent by registered mail to the Grocery Products Branch. Office of Price Stabilization, Washington 25. D. C.

5. This special order or any provision hereof may be revoked, suspended, or amended by the Director of Price Stabilization.

(Sec. 704, 64 Stat. 816, as amended; 50 U.S. C. App. Sup. 2154)

Effective date. This special order is effective February 3, 1953.

NOTE: The record-keeping and reporting requirements of this special order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL, Director of Price Stabilization.

FEBRUARY 2, 1953.

[F. R. Doc. 53-1215; Filed, Feb. 2, 1953; 2:23 p. m.]

[Ceiling Price Regulation 30, Amdt. 6 to Supplementary Regulation 4]

CPR 30—Machinery and Related Manufactured Goods

SR 4—ADJUSTMENTS UNDER SECTION 402
(D) (4) OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

APPLICATIONS ON AN AUTONOMOUS UNIT OF YOUR BUSINESS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F R. 738), this Amendment 6 to Supplementary Regulation 4 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

As originally issued, a manufacturer was authorized under the provisions of section 16 of Supplementary Regulation 4, to apply for an adjustment of his Ceiling Price Regulation 30 ceiling prices for commodities produced in a separate unit of his business for which he regularly maintained separate production, sales and other records, provided that no more than 10 percent of this dollar sales of commodities produced in that unit fall in the same industrial classification as commodities representing 10 percent or more of his sales of any other unit. Amendment 1 to SR 4 authorized a manufacturer who is unable to meet the latter qualification, to apply for permission to file for a unit of his business when the industrial classification which includes the commodities involved is a "catch-all" classification for commodities "not elsewhere classified."

The attention of the Director has been called to the fact that a number of other industrial classifications, for example, "Motor Vehicle parts and accessories," are fully as comprehensive as the "not elsewhere classified" classification and that, as a result, many manufacturers are precluded from filing for individual mits of their business which they historically operate as autonomous entities.

Accordingly, this amendment authorizes a manufacturer to apply to the Director for permission to file an application under SR 4 covering the ceiling prices of commodities produced in a particular unit of his business even when the commodities produced in that unit fall in the same industrial classification as commodities produced in another unit. In order for approval to be granted to file for such units, the manufacturer must establish in his application that the management of the unit exercises independent authority in making administrative decisions, determining their own production, pricing and sales policies, and, in fact, operating autonomously.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 4 to Ceiling Price Regulation 30 is amended in the following respects:

Paragraph (c) of section 16 is amended to read as follows:

(c) The Director of Price Stabilization may permit you to apply separately for a separate production unit of your business, even though more than 10 percent of the total sales of the commodities produced in this unit during the 1950 fiscal year are commodities in the same industrial classification as commodities representing 10 percent or more of the total dollar sales of any other unit during the same period. You may do this wherever either (1) the industrial classification which includes these commodities is one whose description includes the words "not elsewhere classified," or (2) it has been your historical practice to permit the management of that unit to operate autonomously. In either of these situations, you may file an application as provided by paragraph (b) of this section. If your application covers situation (1), involving commodities falling in an industrial classification containing the words "not elsewhere classified," your application must include, in addition to the information requested in subparagraph (1) of paragraph (b) the following information: A specific reference to this paragraph; a list of the commodities included in the relevant industrial classification which are produced in the unit of your business for which you wish to file a separate application; a list of the commodities in the relevant industrial classification which are produced in other units of your business indicating the units in which each is produced and the proportion that the sales of such commodities represent of the total sales of the unit in which they were produced in your 1950 fiscal year. (Where more than one commodity is involved, you need not state the proportion of the unit's sales represented by each commodity, but only the proportion of the unit's sales represented by all the commodities in the same industrial classification.) If your application covers situation (2) involving an autonomous unit of your business, your application must include, in addition to the information requested in subparagraph (1) of paragraph (b), a statement whether the management of the unit customarily exercises independent authority in making administrative decisions. Your management will be considered to be exercising independent authority in making administrative decisions if they are responsible for determining policy relating to production, sales and pricing, purchases and inventories, sales contracts, relations with governmental agencies, and compliance with all laws affecting the operation of the unit.

Effective date. This amendment shall become effective February 7, 1953.

(Sec. 704, 64 Stat. 816, as amended; 50 U.S.C. App. Sup. 2154)

Nore: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942

> Joseph H. Freehill, Director of Price Stabilization. -

FEBRUARY 3, 1953.

[F. R. Doc. 53-1250; Filed, Feb. 3, 1953; 4:00 p. m.]

[Ceiling Price Regulation 69, Amdt. 1 to Supplementary Regulation 1]

CPR 60-CASTRIGS

SR 1—Adjustment in Ceiling Prices for Manufacturers of Malleable Iron Castings

CLARIFICATION OF CEILING PRICE WHICH MAY BE INCREASED BY INDUSTRY EARN-INGS STANDARD ADJUSTICET

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 1, Ceiling Price Regulation 60 is hereby issued.

STATEMENT OF CONSIDERATIONS

The purpose of this amendment to Supplementary Regulation (SR) 1 to Celling Price Regulation (CPR) 60 is to provide clearly that the Industry Earnings Standard adjustment permitted by SR 1 to CPR 60 may be applied to ceiling prices in effect on the effective date of SR 1, even though they may represent celling prices established under CPR 60 and then adjusted under some other regulation (except General Overriding Regulation (GOR) 35 and that the adjustment is not required to be applied only to unadjusted CPR 60 ceiling prices.

Sections 1 and 2 of SR 1 to CPR 60 state that the Industry Earnings Standard adjustment of 6.2 percent permitted by that regulation is to be applied to ceiling prices established under CPR 60. However, that adjustment was found to be necessary to meet the Industry Earnings Standard on the basis of current ceiling prices. Therefore, it is apparent that the adjustment is required to meet the standard whether current ceiling prices are those established solely under CPR 60, or whether they represent ceiling prices originally established under CPR 60 and subsequently adjusted pursuant to the Capehart Amendment to the Defense Production Act of 1950, as amended (section 402 (d) (4)) and the regulations issued pursuant thereto (GOR 20 and GOR 21), or pursuant to any other OPS adjustment regulation, such as GOR 10 or GOR 29. However, the 6.2 percent Industry Earnings Standard adjustment may not be applied to CPR 60 ceiling prices as adjusted under GOR 35. The 6.2 percent increase must be applied to current ceiling prices before they are adjusted under GOR 35. The reason for this is that GOR 35 was intended to give a dollars-and-cents pass-through of metal cost increases and the application of a percentage factor to the CPR 60 ceiling prices as adjusted under GOR 35 would result in a ceiling price reflecting more than the dollars-and-cents metal cost increase.

In view of the technical nature of this amendment, consultation with industry representatives, including trade association representatives, has not been deemed practicable or necessary prior to its issuance.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended, and conform in all respects to the applicable provisions of that act.

AMENDATORY PROVISIONS

1. Section 1 of SR 1 to CPR 60 is amended to read as follows:

Section 1. What this supplementary regulation does. This supplementary regulation permits producers of malleable iron castings to increase the ceiling prices of such castings which were in effect immediately before the effective

by 6.2 percent.

2. Section 2 of SR 1 to CPR 60 is amended to read as follows:

SEC. 2. Adjustment of ceiling prices. If you are a producer of malleable iron castings you may increase your ceiling prices for them which were in effect immediately before the effective date of this supplementary regulation by 6.2 percent. You may also increase the ceiling prices which were in effect immediately before the effective date of this supplementary regulation for equipment furnished by you in connection with your sales of such castings by 6.2 percent. The ceiling prices to which this increase may be applied are either those established under CPR 60, or those ceiling prices as adjusted pursuant to any other OPS regulation such as GOR 10, GOR 21 or GOR 29, but not including GOR 35.

3. Section 3 of SR 1 to CPR 60 is amended by adding a sentence at the end thereof reading as follows: "You may not, however, apply the 6.2 percent adjustment permitted in section 2 above to ceiling prices which include the adjustment provided under GOR 35."

(Sec. 704, 64 Stat. 816, as amended; 50 U.S.C. App. Sup. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 1 to Ceiling Price Regulation 60 is effective February 7, 1953.

JOSEPH H.-FREEHILL. Director of Price Stabilization.

FEBRUARY 3, 1953.

[F. R. Doc. 53-1251; Filed, Feb. 3, 1953; 4:00 p. m.]

[Ceiling Price Regulation 60, Amdt. 1, Supplementary Regulation 2]

CPR 60—CASTINGS

SR 2-Adjustment in Ceiling Prices FOR PRODUCERS OF STEEL (CARBON OR LOW ALLOY) AND MANGANESE STEEL CASTINGS

CLARIFICATION OF CEILING PRICE-WHICH MAY BE INCREASED BY INDUSTRY EARNINGS STANDARD ADJUSTMENT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 2. Ceiling Price Regulation 60 is hereby issued.

STATEMENT OF CONSIDERATIONS

The purpose of this amendment to Supplementary Regulation (SR) 2 to Ceiling Price Regulation (CPR) 60 is to provide clearly that the Industry Earnings Standard adjustment permitted by SR 2 to CPR 60 may be applied to ceiling prices in effect on the effective date of SR 2, even though they may represent ceiling prices established under CPR 60 and then adjusted under some other regulation (except General Overriding

date of this supplementary regulation Regulation (GOR) 35), and that the adjustment is not required to be applied only to unadjusted CPR 60 ceiling prices.

The basis for this amendment to Supplementary Regulation 2 is the same as that for Amendment 1 to SR 1 to CPR 60 and the Statement of Considerations thereto is equally applicable to this amendment.

In view of the technical nature of this amendment, consultation with industry representatives, including trade association representatives, has not been deemed practicable or necessary prior to its issuance.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended, and conform in all respects to the applicable provisions of that act.

AMENDATORY PROVISIONS

1. Section 1 of SR 2 to CPR 60 is amended to read as follows:

Section 1. What this supplementary. regulation does. This supplementary regulation permits producers of steel (carbon or low alloy) castings and manganese steel castings to increase the ceiling prices of such castings which were in effect immediately before the effective date of this supplementary regulation by 5 percent.

2. Section 2 of SR 2 to CPR 60 is amended to read as follows:

Sec. 2. Adjustment of ceiling prices. If you are a producer of steel (carbon or low alloy) or manganese steel castings you may increase your ceiling prices for them which were in effect immediately before the effective date of this supplementary regulation by 5 percent. You may also increase the ceiling prices which were in effect immediately before the effective date of this supplementary regulation for equipment furnished by you in connection with your sales of such castings by 5 percent. The ceiling prices to which this increase may be applied are either those established under CPR 60, or those ceiling prices as adjusted pursuant to any other OPS regulation such as GOR 10, GOR 21 or GOR 29, but not including GOR 35.

3. Section 3 of SR 2 to CPR 60 is amended by adding a sentence at the end thereof reading as follows: "You may not, however, apply the 5 percent adjustment permitted in section 2 above to ceiling prices which include the adjustment provided under GOR 35."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 2 to Ceiling Price Regulation 60 is effective February 7, 1953.

JOSEPH H. FREEHILL, Director of Price Stabilization.

FEBRUARY 3, 1953.

[F. R. Doc. 53-1252; Filed, Feb. 3, 1953; 4:00 p. m.]

[Ceiling Price Regulation 60, Amdt. 1 to Supplementary Regulation 31

CPR 60-CASTINGS

SR 3—Adjustment in Ceiling Prices for PRODUCERS OF GRAY IRON CASTINGS

CLARIFICATION OF CEILING PRICE WHICH MAY BE INCREASED BY INDUSTRY EARN-INGS STANDARD ADJUSTMENT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 3, Ceiling Price Regulation 60, is hereby issued.

STATEMENT OF CONSIDERATIONS

The purpose of this amendment to Supplementary Regulation (SR) 3 to Ceiling Price Regulation (CPR) 60 is to provide clearly that the Industry Earnings Standard adjustment permitted by SR 3 to CPR 60 may be applied to ceiling prices in effect on the effective date of SR 3, even though they may represent ceiling prices established under CPR 60 and then adjusted under some other regulation (except General Overriding Regulation (GOR 35) and that the adjustment is not required to be applied only to unadjusted CPR 60 ceiling prices,

The basis for this amendment to Supplementary Regulation 3 is the same as that for Amendment 1 to SR 1 to CPR 60 and the Statement of Considerations thereto is equally applicable to this amendment.

In view of the technical nature of this amendment, consultation with industry representatives, including trade association representatives, has not been deemed practicable or necessary prior to its issuance.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended, and conform in all respects to the applicable provisions of that act.

AMENDATORY PROVISIONS

1. Section 1 of SR 3 to CPR 60 is amended to read as follows:

SECTION 1. What this supplementary regulation does. This supplementary regulation permits producers of gray iron castings to increase the ceiling prices of such castings which were in effect immediately before the effective date of this supplementary regulation by 9 percent.

2. Section 2 of SR 3 to CPR 60 is amended to read as follows:

SEC, 2. Adjustment of ceiling prices. If you are a producer of gray iron castings you may increase your ceiling prices for them which were in effect immediately before the effective date of this supplementary regulation by 9 percent. You may also increase the ceiling prices which were in effect immediately before the effective date of this supplementary regulation for equipment furnished by you in connection with your sales of such castings by 9 percent. The ceiling

prices to which this increase may be applied are either those established under CPR 60, or those ceiling prices as adjusted pursuant to any other OPS regulation such as GOR 10. GOR 21 or GOR 29, but not including GOR 35.

3. Section 3 of SR 3 to CPR 60 is amended by adding a sentence at the end thereof reading as follows: "You may not, however, apply the 9 percent adjustment permitted in section 2 above to ceiling prices which include the adjustment provided under GOR 35."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 3 to Ceiling Price Regulation 60 is effective February 7, 1953.

JOSEPH H. FREEHILL. Director of Price Stabilization.

FEERUARY 3. 1953.

[F. R. Doc. 53-1253; Filed, Feb. 3, 1953; 4:00 p. m.]

[Ceiling Price Regulation 117, Amdt. 4 to Revision 1]

CPR 117-MALT BEVERAGES

ADJUSTMENT OF BREWERS' AND WHOLE-SALERS' CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 117, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to CPR 117, Revision 1, makes provision for individual adjustment of brewers' and wholesalers' ceiling prices to bring them into line with ceiling prices of their competitors.

The provisions of CPR 117, Revision 1, fixing ceiling prices are based on price structures resulting principally from local competition. They perpetuate the price relationships which existed during the May 24-June 24, 1950 period. The month before the Korean outbreak was a normal period for the industry, and the price relationships for that period contained as few distortions as any which might be selected. While experience indicates that the ceiling prices resulting from techniques used in the regulation are generally fair and equitable, the distortions which did occur and have been frozen by the regulation are significant enough to require corrective action by the Office of Price Stabilization.

In the malt beverage industry, especially at the wholesale level, individual sellers from time to time make short term price reductions in an endeavor to secure larger shares of the sales in their markets. These reductions have been used historically to encourage the retailer, by widening his margin, to emphasize particular brands, and they have seldom been passed on to consumers.

Price actions of this kind are not contemplated as enduring price distinctions. Rather, they are intended to be main-

tained for only a few weeks or months, at the end of which time the prices are brought into line with those of competitors. Consequently, price differentials resulting from such short term competitive activity should not be maintained in a scheme of price stabilization any longer than is necessary. Maintenance of these differentials has in some cases resulted in hardship both to the seller with low ceilings and to his competitors (who have been forced to meet those abnormally low prices) without giving the ultimate consumers any important benefits. This amendment is, therefore, intended to rectify the distortion incorporated in present ceilings without disturbing historically established price differentials.

The amendment, as indicated above, takes cognizance of the specific characteristics of competition in the malt beverage industry. For the most part brewers and wholesalers who in the pre-Korean period were selling at lower prices on a short-range basis had brought their prices into line by January 26, 1951 (the date of issuance of the General Ceiling Price Regulation) Therefore, this amendment provides that a brewer or wholesaler may apply for an adjustment of his CPR 117, Revision 1, ceiling price for a given item so that the same dollar-and-cent differential will exist between his adjusted price and the ceiling price of the most closely competitive seller of the most closely competitive item as existed between the selling prices of those two items during the period the GCPR was in effect. To deal with abnormal price increases taken by a brewer or wholesaler as a result of the Korean conflict, it is provided that his application will be granted only if the same dollar-and-cent differential existed between the prices of those two items during a substantial pre-Korean period. Brewers and wholesalers who did not adjust their prices by January 26, 1951, will, of course, derive no benefit from this amendment, since it is fair to assume that their present ceiling prices reflecting long standing selling prices are not abnormal.

The adjustments provided for by this amendment will have little effect on retail ceiling prices. For the most part retailers have two or three price classes of malt beverages and do not reflect, in their retail selling prices, small increases in their purchase cost of a single item since that would throw the item out of its normal class.

In the formulation of this amendment the Director of Price Stabilization has consulted industry representatives, including trade association representatives, to the extent practicable and has given consideration to their recommendations. In the judgment of the Director, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that Act, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 117, Revision 1, is amended by the addition of the following section:

SEC. 91. Adjustment of brewers' and wholcsalers' ceiling prices—(a) Who may obtain an adjustment. You may obtain an adjustment in any of your celling prices otherwise established in this regulation if you are a brewer or a wholesaler and can establish that your celling price is out of line with those of your most closely competitive seller of the most closely competitive item and that the past pattern of your selling prices meets the requirements set out in paragraph (c)

(b) How to apply for an adjustment. To obtain an adjustment under this section you must apply in writing to your OPS District Office, and if you have no such District Office, to the Regional Office for the OPS region in which your main place of business is located. Your application must be signed by you or an authorized officer of your firm and contain the following information:

(1) Your name and address.(2) A description of the item for which you are seeking an adjustment (i. e., the brand, type, container size, container type, and, if it is sold in bottles or cans, the case size).

(3) The class of purchaser to which the proposed adjustment is to be applicable.

(4) The name and address of the most closely competitive seller who sells the item which you believe to be the most closely competitive with the one for which you are seeking an adjustment. You may not consider an item as closely competitive with yours unless it is of the same container size and container type, and if your item is sold in cases, unless it is sold in the same case size as the item for which you are seeking an adjustment, and unless it is sold to the class of purchaser described under (3)

(5) A description of the item sold by the seller referred to in (4) (i. e., the brand, type, container size, container type, and, if it is sold in bottles or cans, the case size).

(6) Your present ceiling price for sales of the item to the class of purchaser described under (3) and the corresponding ceiling price for the item which you have listed under (5) as being most closely competitive with yours.

(7) Your regular selling price or prices of the item involved for sales to the class of purchaser set out in (3) as shown by your records, for the calendar year 1951 and the regular ceiling price or prices charged during the same period for the competitive item you have listed when sold to the same class of purchaser. By "regular" selling prices are meant list prices or, if there were no list prices, then those which were in effect during the periods when there were no offerings of special deals, promotions, or other temporary price reductions. Show the dates for which the various prices were in effect and the terms upon which they were offered.

(8) Your regular selling price or prices of the item involved for sales to the class of purchaser set out in (3) as shown by your records, for any period of 90 consecutive days between January 1, 1943 and May 23, 1950 selected by you

and the regular selling price or prices charged during the same period for the competitive item you have listed when sold to the same class of purchaser. Show the dates for which the various prices were in effect and the terms upon which they were offered.

(c) Action on your application. If it appears from the information you have furnished that your ceiling price for the item covered by your application is out of line with the ceiling price for the most closely competitive item, and that the ceiling price you propose will restore the differential which existed between your regular selling price for the item: covered by your application and the regular selling price for the most closely competitive item during the calendar year 1951, and that the same differential had existed for at least 90 consecutive days in the period January 1, 1948-May 23, 1950 between your regular selling price and the regular selling price of the most closely competitive item, you will be authorized to adjust your ceiling price to re-establish that differential. You must not, however, adjust your ceiling price unless and until an order granting you the adjustment is issued by OPS and takes effect.

Example. Your CPR 117, Rev. 1, ceiling price for sale of a case of 24/12 oz. returnable bottles of Jonie's Beer to retailers is \$2.00: The ceiling price for sale of the same case and container size and type of Ruthle's Beer (the most closely competitive item) to retailers is \$2.25. During 1951 the regular selling prices of those two items to retailers were \$2.00 and \$2:15 respectively, reflecting a dollar-and-cent differential of 15¢. In addition, for at least 90 consecutive days in the period between January 1, 1948, and May 23, 1950, your regular selling price for the sale of that item of Jonie's Beer to retailers and the regular selling price for sale of the comparable item of Ruthie's Beer reflected the same 15¢ differential. In this situation the Office of Price Stabilization will issue an order adjusting your ceiling price for sales of that item of Jonie's Beer to retailers to \$2.10, which is 15¢ less than the \$2.25 ceiling price for sale of Ruthie's Beer to retailers.

(Sec. 704, 64 Stat. 816, as amended; 50 U.S. C. App. Sup. 2154)

Effective date. This Amendment 4 to Ceiling Price Regulation 117, Revision 1, is effective February 9, 1953.

Note: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Joseph H. Freehill, Director of Price Stabilization.

FEBRUARY 3, 1953.

INCREASES

[F. R. Doc. 53-1254; Filed, Feb. 3, 1953; 4:00 p. m.]

[General Overriding, Regulation 35, Amdt. 11] GOR: 35—Pass Through for Steel, Pig-Iron, Copper and Aluminum Cost

ADDITION OF AUTOMOTIVE LIFTS TO APPENDIX C

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization

Agency General Order No. 2, this Amendment 11 to General Overriding Regulation 35 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds automotive lifts (hydraulic, semihydraulic, and mechanical) to Appendix C of GOR 35. The purpose and effect of listing certain commodities in this appendix are explained in detail in the statement of considerations which accompanied Amendment 1 to GOR 35. The same considerations apply to the issuance of this amendment. This amendment is occasioned by the issuance of Amendment 5 to General Overriding Regulation 42 (GOR 42) which provides for a 7 percent increase in ceiling prices for sale by manufacturers of automotive lifts (hydraulic, semi-hydraulic, and mechanical) an adjustment which includes the materials cost increases. Since these are end products, no problem of any "pass through" beyond these manufacturers is involved.

Due to the nature of this amendment, special circumstances have made general consultation with industry representatives, including trade association representatives, impracticable. However, consultations with representatives of the automotive lifts industry were held prior to the issuance of Amendment 5 to GOR 42.

AMENDATORY PROVISIONS

General Overriding Regulation 35 is amended in the following respect:

1. Appendix C is amended by adding thereto in the appropriate columns the words listed below under the columns headed "Commodity" and "Regulation";

Commodity, Regulation
Automotive lifts, hydraulic, semi-hydraulic, and mechamical

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154),

Effective date. This amendment to General Overriding Regulation 35 is effective February 7, 1953.

Joseph H. Freehill, Director of Price Stabilization.

FEBRUARY 3, 1953.

[F. R. Doc. 53-1255; Filed, Feb. 3, 1953; 4:01 p., m.];

[General Overriding Regulation 42, Amdt. 5]

GOR 42—ADJUSTMENTS UNDER THE INDUSTRY EARNINGS STANDARD FOR MACHINERY, RELATED MANUFACTURED GOODS, AND BUILDING MATERIALS

AUTOMOTIVE LIFTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to General Overnding Regulation 42 is hereby issued.

STATEMENT OF CONSIDERATIONS.

This amendment adds automotive lifts to the coverage of General Overriding

Regulation 42. An industry earnings standard survey has recently been completed for this industry and based upon data obtained from representative groups of manufacturers, it has been determined that, in order to bring the dollar profits of this industry up to the earnings standard approved by the Office of Price Stabilization, ceiling prices should be established at 107 percent of the industry's ceiling prices for these commodities which were in effect during the period December 1, 1952, to the issue date of this amendment. Such increased ceiling prices will be generally fair and equitable.

This adjustment reflects all increases in materials, wages, and transportation which are currently in effect. Furthermore, it reflects increases in certain materials which are likely to occur in the future as a result of General Overriding Regulation 35 (Pass Through for Steel, Pig Iron, Copper, and Aluminum Cost Increases) Therefore, manufacturers of automotive lifts who use this adjustment may not adjust their ceiling prices under General Overriding Regulation 35. If they have already used GOR 35, they must deduct the amount of such an adjustment before taking the adjustment allowed by the amendment. However, the adjustment permitted by this amendment only reflects increases in outbound transportation costs, if any, occurring before the issue date. If increases in these costs occur in the future. an adjustment may be made for such increases pursuant to Supplementary Regulation 9 to Ceiling Price Regulation 30 or Supplementary Regulation 122 to the General Ceiling Price Regulation (Adjustments to Reflect Increased Outbound Transportation Costs), which ever is applicable. If these manufacturers have taken any adjustments under SR 9 to CPR 30 or SR 122 to the GCPR before the issue date of this amendment, they must deduct the amount of such adjustment before taking the adjustment permitted by this amendment,

The survey upon which this adjustment is based was effected by the use of a procedure designated "streamlined" by OPS, and since this procedure does not permit consideration of various factors which may be considered under a "full-scale" industry earnings standard survey, which necessarily requires more detailed data, and, therefore, a greater length of time to conduct, the members of this industry may at any time request OPS to conduct a full-scale survey.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable; are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended; and comply with the applicable standards of that act,

AMENDATORY PROVISIONS

General Overriding Regulation 42 is amended in the following respects:

section 26 to lead as follows:

SEC 26 Automotive lifts—(a) Commodities included Automotive lifts, hydraulic semi-hydraulic, and mechanical; including palts and accessoiles are produced by the manufactures of the lift, for incorporation into or for use with the lift or lepair of the lift. These automotive lifts are used for the lifting of passenger motor vehicles Compesses, and thocks and lange in capacity up to 7500 pounds, inclusive These lifts are fully described in 'Automotive Lifts, Commercial Standard 142–47," issued by refer by Ithe United States Department of Com-

adjustment period price The adjustment period plice for any commodity included in paragraph (a) of this section 26 is the highest ceiling plice to each class of purchaser which was in effect duning the period December 1. 1952 to the effective date of the adjustment provided by this section 25. A ceiling price is considered 'in effect' if that ceiling price was properly determined in accordance with applicable OPS regulations prior to the effective date of the adjustment authorized by this section 25.

that ceiling price was properly determined in accordance with applicable OFS regulations prior to the effective date of the adjustment authorized by this section 25

(c) Percentage adjustment The percentage adjustment for commodities included in this section 25 is 107 percent.
(d) Relationship of the adjustment authorized by this section 25 to offer adjustment regulations—(1) GOR 35. Manufacturers of commodities included in paragraph (a) of this section 25 may not adjust their ceiling pilees for such commodities under GOR 35. (Pass Aluminum Cost Incleases) Further, if a the highest ceiling pilee of the commodity in question during the adjustment determined under GOR 35 this ceiling pilee of the commodities may be reduced by the dollar amount of as an adjustment before it may be used as an adjustment before this

(2) Capehart regulations. See section 5 Article I of this regulation (3) Outbound transportation costs See section 5, Article I of this regulation

Article II is amended by adding a new

(4) GOR 10 and GOR 29. See section 5, At ticle I of this regulation.
(e) Effective date The adjustment authorized by this section becomes effective February 7, 1953

(Sec 704 64 Stat. 816, as amonded; 50 USC App Sup 2154) Effective date This amendment is effective February 7, 1953 Noze: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942

Joseph H. Freehill, Director of Price Stabilization

February 3, 1953 [F R Doc 53-1256; Filed Feb 3, 1953; 4:01 p m] Chapter XXI—Office of Rent Stabilizafion, Economic Stabilization Agency [Rent Regulation 1 Amat 121 to Schedule A]

[Rent Regulation 2, Amdt 118 to Schedule A] RR 1—Housing RR 2—Rooms In Rooming Houses and Other Establishments SCHEDULE A—DEFENSE-REITAL AREAS COLORADO, ILLINOIS AND KENTUCKY
Effective February 4, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the Hems indicated below of Schedules A read as set forth

(Sec 204 61 Stat 197, as amended; 50 U S O App Sup 1894)

below

Issued this 30th day of January 1953 James MeI. Hendenson

Director of Rent Stabilication

1, 1042 Jan. 6 1953 Do Nov 1 1012 Nov. 18 1052 Do July Nov Aug. 1, 1052 Aug. 1 1952 1, 1042 Mar 1, 1942 Mar 1 1042 Maximum rent date Mar LAKE COUNTY, except the eltles of Highland Park and Lake Forest, in villages of Decrlield, Grayslake, and Lake Bluff and that portion of the village of Barrhagon located therein In PUEBLO COUNTY, I ownships 20 and 21, South, Ranges 64 and 66 West of the Sixth Principal Meridian JOLIO COUNTY, except Townships 20 and 21, South, Ranges 64 and 66, West of the Sixth Principal Actidian, and that portion of the county lying West of Rango 66 West of the Sixth Principal Meridian In LAKE COUNTY the villages of Deerfield and Grayslake and that portion of the village of Bar rington located therein In GREENUP COUNTY, the city of Receland County or counties in defense rental area under regulation Olàss A m 04 m 04 (1236) Ashland-Cat lettsburg Raceland State and name of defense rental area (88e) Lake County Kentucky Colorado Illnots (46) Pueblo

These amendments decontrol the following on the initiative of the Director Rent Stabilization under section 204~(c) of the act:

That part of Pueblo County West of Range 66 West of the Sixth Principal Meridian, a portion of the Pueblo Defence Rental Area in the State of Colorado;

The Clitics of Highland Park and Lake Forest and the Village of Lake Bluff in Lake County Illinois portions of the Lake County Defence Rental Area;

The City of Catlettsburg in Boyd County, Kentucky, a portion of the Ashland Catlettsburg-Raceland Defence Rental Area

[F R. Doc 63-1167; Filed Feb 3, 1963; 8:61 a m]

[Rent Regulation 3, Amat 117 to Echedulo A] [Rent Regulation 4, Amat 69 to Schedulo A]

RR 4—Moron Counts

RR 3-HOTELS

SCHEDULE A-DEFENSE-RENTAL AREAS

COLORADO AND ILLINOIS

Effective February 4 1963, Rent Regulation 3 and Rent Regulation 4 are amended so that the items indicated below of Schedules A read as set forth below (Sec 204, 01 Stat 197, as amended; 50 V S O App Sup 1894)

Issued this 30th day of January 1953

James Mol Henvenson, Director of Rent Stabilization

| Name of defense- rental area | State | County or counties in defense-rental area under regulation | Maximum. rent date | Effective date of regulation |
|---------------------------------|----------|--|-----------------------|------------------------------------|
| (46) Pueblo | Colorado | PUEBLO COUNTY, except that portion lying West of Range 66, West of the Sixth Principal Meridian. | Aug. 1,1952 | Nov. 18,1952 |
| (8Se) Lake County | Illinois | LAKE COUNTY, except the cities of Highland Park and Lake Forest and the village of Lake Bluff. | do | Jan. 6, 1953 |

These amendments decontrol the following on the initiative of the Director of Rent Stabilization under section 204 (c) of the act:

That part of Pueblo County West of Range 66, West of the Sixth Principal Meridian, a portion of the Pueblo Defense-Rental Area in the State of Colorado;

The Cities of Highland Park and Lake Forest and the Village of Lake Bluff in Lake County, Illinois, portions of the Lake County Defense-Rental Area.

[F. R. Doc. 53-1168; Filed, Feb. 3, 1953; 8:52 a.m.]

TITLE 47—TELECOMMUNI-

Chapter I—Federal Communications Commission

PART 1-PRACTICE AND PROCEDURE

APPLICATION FOR STATION LICENSE WHERE NO CONSTRUCTION PERMIT IS REQUIRED

The Commission having under consideration the desirability of making certain editorial changes in § 1.318 (b) of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i) 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended;

It is ordered, This 26th day of January. 1953, that, effective immediately, § 1.318 (b) of the Commission's rules and regulations is revised as set forth below.

In § 1.318 (b)

[SEAL]

- 1. Delete subparagraph (3) relative to obsolete Form 402.
- 2. Redesignate paragraphs (4), through (14) as paragraph (3), through (13)

(Sec. 4, 48 Stat. 1066; as amended; 47 U.S. C. 154)

Released: January 26, 1953.

FEDERAL COMMUNICATIONS
COMMISSION;
T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1132; Filed, Feb. 3; 1953; 8:47 a. m.]

[Docket No. 10214]

PART 3-RADIO BROADCAST SERVICES

PART 13-COMMERCIAL RADIO OPERATORS

LICENSED OPERATOR REQUIREMENTS OF CER-TAIN. STANDARD AND: FM. BROADCASTING STATIONS AND FOR REMOTE CONTROL. OP-ERATION OF SUCH STATIONS

I. On June 4, 1952, the Commission released a notice of proposed rule making in the subject matter setting forth the request of the National Association of Radio and Television Broadcasters (hereinafter called petitioner) for amendment of the Commission's rules to permit:

(a) Persons holding restricted radiotelephone operator permits or higher class of licenses to stand the required regular transmitter watches at standard and FM broadcasting stations employing nondirectional antennas and operating

with powers of 10 kw or less:

(b) Remote control of such stations. 2. The amendments proposed by petitioner would compel each station affected to employ a minimum of one first-class operator "as its chief engineer or technical superviser" and would permit the other operators required to be available for duty at the transmitter to be restricted permittees. The first class operator is not required to be a full-time employee but only to be "on call and reasonably available to fulfill his specified duties." He would be the only operator authorized to undertake any internal tuning adjustments, major repairs, or overhaul, and similar endeavors, restricted permittees being allowed to perform only "minor" adjustments of transmitter supply voltages and tuned circuits.

3. In support of the requested changes petitioner asserts that the regular duties of transmitter operators could be performed by restricted permittees, provided that major repairs were made by first class operators; and that the use of restricted operators would not result in any increase in outages or jeopardize the safety of the operators. Although it contends that technical reasons alone require that the Commission authorize the use of restricted permittees, petitioner points out that the basic need for the change is also justified by significant economic reasons. It alleges that most small stations must operate with a limited staff, and that effective utilization of this staff demands that those performing the nominal duties of transmitter operators be able to do many of the other more important and more difficult jobs required if the station is to offer a desirable service to the public. Petitioner concludes that the use of restricted operators, particularly in sparsely settled areas, would greatly enhance the possibilities of obtaining a staff with qualifications more suited to stations' needs. Also because of the resulting economies of operation, it argues that the use of restricted operators would increase the chances of survival of existing small stations, encourage the development of broadcast stations in "white areas" and in communities having no locally originated service, and aid existing stations to expend their hours of service.

4. Approximately 2,000 comments upon the proposal were received from the following sources: 1,136 individuals, most of them operators; 5 national labor unions; 52 labor union locals; 6 trade schools; 788 individual station managements; 28 regional associations of broadcasters; 1 national association of broadcasters; and 2 national networks. Almost all of the comments submitted by the operators, operator organizations and trade schools were opposed to the requested amendments. Conversely, almost all of the comments submitted by broadcasters and management organizations supported the requested amendments.

5. In the notice of proposed rule making issued in these proceedings the Commission posed a number of relevant questions and requested that interested parties direct their comments to these questions. One of the questions upon which comment was particularly desired was the extent to which a watchstanding operator requires significant, technical training. In general, broadcasters are of the opinion that routine duties of periodic observations—reading meters and entering the readings in the station log, minor external adjustments of voltages and current, circuit tuning. and similar tasks, constitute all of the operator's transmitter duties during program periods; and that these duties can be performed without any appreciable technical training. Some expressed the further opinion that low grade watchoperators should also be able to make such minor repairs as replacing defective plug-in tubes and fuses, because these activities do not require extensive training but only a certain amount of techmical aptitude. On the other hand, the operators contend that the operator on transmitter duty must not only make the observations and readings called for by the rules but must also observe numerous other matters and interpret what they see, hear, and smell. The operators assert that, in this way transmitter failure caused by the aging of certain components, overheating of others, etc., can be anticipated, thereby avoiding outages and various other undesirable effects. Petitioner asserts that modern transmitters show remarkable reliability, and that, in the event of the rare loss of service due to transmitter breakdown, the general instructions in most stations are that the chief engineer is to be called. It also emphasized that preventive maintenance work is the principal means of avoiding breakdown. Many other station representatives expressed similar opinions and further asserted that it is not necessary to have

maintenance work performed during a transmitter operator watch, it being sufficient to have periodic inspection and maintenance of the equipment performed while the station is off the air. From the comments it appears that it is the practice at the smaller stations to have such maintenance work discharged only by the chief engineer, and also to employ "combination" operators, with concurrent duties as announcers, many of whom have had little or no experience in the repair and maintenance of broadcast stations. With respect to the desirability and appropriateness of the proposed amendments at the various power levels, the comments received must be characterized as contradictory.

6. In summary, as to the important question whether there would be any change in the number of technical transmission difficulties with the utilization of restricted watch-operators, the comments were conflicting. A number contended that the proposed amendments, if adopted, would result in some increase in transmission difficulties because of the alleged mability of non-technical operators on duty to anticipate or recognize faults and either correct or report them; it was also pointed out that under petitioner's proposal, additional time might be needed for the first-class operator, who could be stationed somewhere else, to reach the faulty transmitting equipment. Comments submitted by operators estimated increases in technical transmission difficulties ranging from 100 to 300 percent. On the other hand, some broadcasters believe that transmitter difficulties would decrease because they would have more money to spend on equipment, thus increasing the reliability of their technical plant. Other broadcasters cited experience with temporary use of low-grade operators in specific cases both recently and during the late war which showed no increase in transmission difficulties at those times. The Commission's records reveal that the loss of air time for the average broadcast station is only 0.14 percent of total air time. In this connection several comments attributed as high as 90 percent of outages to power and tube failure over which operators have little, if any, control.

7. As to the effect of the proposal upon the safety of operators, it is the prevailing opinion of the broadcasters that the duties of the lower grade operators, in connection with transmitting equipment, would be so limited as to preclude their coming into contact with dangerous voltages. It is pointed out that only minor, external adjustments would be made and that in the case of replacements of simple plug-in components the operator would be protected by interlock devices on access doors. There is little disagreement with this view but some individuals contend that in an emergency, regardless of their lack of techmical competence, low-grade operators would be under pressure to restore a defective transmitter to service, and because of their ignorance of transmitter circuits, would engage in unsafe activities. However, no factual basis was given for this prediction. Several broadcasters expressed the opinion that the intelligence and care with which the operator works determines his safety rather than the class of license he holds. In general, the Commission's standards prohibit lethal voltages with which there might be accidental contact in performing the limited duties proposed. However, there are exceptions to this in that (a) exposed 220-volt AC switching equipment is permitted on the front of a power control panel, and (b) potentials of 350 volts, or less, within enclosures, need not be disconnected by interlocks on access doors. It is believed that the standards in respect to these matters are exceeded in the case of most transmitting equipment of recent manufacture to the extent that all external controls are "dead" and there are no exposed voltages outside enclosures

8. Petitioner cited statistics of the Bureau of Labor Statistics to show that with one or possibly two exceptions not necessarily involving the instant question, there were no fatalities or permanent injuries among some 400 broadcast stations in a sample survey taken from 1941 through 1949, and further, that no fatality nor permanent injury occurred during the war years when numerous low grade operators were employed. It also pointed out in the petition that the National Council on Compensation Insurance, which is the central actuarial source for compensation insurance companies, does not classify transmitter operators in a hazardous category and has no separate data with respect to them.

9. There were many comments that the proposed amendments would result in widespread unemployment among first-class-operators. In this connection, however, several broadcasters asserted that displaced operators would be absorbed by growth in the television broadcasting field, and the experience of one national network was cited as an example in that connection.

10. With respect to the petitioner's specific proposals, several comments called attention to possible difficulties in their administration because of indefiniteness, typified by the phrases "reasonably available" used in connection with the first-class operator and "minor adjustments" as applicable to the allowable work area of the restricted permittees. Further, it was pointed out that minor adjustments by restricted permittees might result in misadjustment of transmitting equipment so as to produce undesirable external effects.

11. Consideration must also be given to the effect of petitioner's proposals on the Coneirad Plan. This plan requires that, in case of an air raid alert, participating stations shall be able to change operating frequencies and, in some instances, power, on very short notice to predetermined and assigned values. The Coneirad Plan has been approved in accordance with Executive Order No. 10312 and is for the purpose of:

(1) Minimizing the navigational aid that an attacking air force might obtain from our broadcast stations.

(2) Providing a radio service for dissemination of civil defense and other information to the public during period of air attack The Concluded system of operation requires the voluntary participation of a large number of stations. A study made of the technical requirements for placing a broadcast station in Conclude system operation, revealed that practically all of the operations necessary at existing stations operating in the Conclude system fall into one or more of the following categories:

(1) Puch-button activation to place an auxiliary transmitter in operation that has been pretuned to a Conelrad frequency.

(2) Push-button operation to energize relays to effect the necessary changes.

(3) Moving dials to predetermined reading to tune the transmitter to a Conelrad frequency.

(4) Manually throwing switches to change crystals, inductors, capacitors, antennas, etc.

(5) Moving clips or connectors to predetermined points to effect changes as in (4) above.

12. With respect to remote control operation petitioner requests a revision of the rules to permit the operator at the remote control point to turn the transmitter on and off and to perform all of the functions required by the Commission's rules and standards to be carried out by operators on duty at the transmitter in the absence of remote control. It argues that such remote control of broadcast transmitters is entirely feasible and points to the operations of the similar experimental remote control installations already authorized by the Commission. Reports have been received from licensees on the operation of eight of these installations over periods averaging a little more than three months, seven involving control of FM stations by wire circuits and one radio control of an AM station. These reports show that faults occurred in the remote control circuits or apparatus of three installations that caused service interruptions but that in each of the eight cases, transmitter outages resulting from all causes, including outages attributed to remote control, amounted to less than one percent of the total time covered by each report. Petitioner advances, as reasons supporting its proposal, the argument that remote control authorization will permit the selection of better studio and transmitter sites, and through reduced overhead and more efficient operation, will aid existing stations in maintaining or expanding their present services, and will encourage the construction of new stations in sparsely settled areas.

13. On the other hand, there were a number of opinions, mainly from operators, that a control system should be required to afford the same degree of control at the remote point as exists at the transmitter, a degree entailing observations and adjustments beyond those proposed by petitioner or called for, by the Commission's regulations. These same commentators asserted that the supervisory control circuits and apparatus necessary to provide such a degree of control would be so complex as to be impractical at this time. Finally, several comments pointed out that use of remote control with no one in attend-

ance at the transmitter would facilitate entries to the transmitter by unauthorized persons, including persons desiring to use the facilities for subversive purposes.

14. The Commission has carefully considered the numerous comments submitted and on the basis of these comments and its own knowledge and experience in the field, obtained through reports and records, has determined that amendment of the rules in question along the lines suggested by petitioner is appropriate at this time. The most important consideration is whether the revisions in question would result in any degradation of the Commission's technical standards and requirements, or more specifically, would increase the possibility of outages and improper transmitter operation. Factors such as the marked improvement of transmitter equipment and the reliability of such improved equipment, the satisfactory utilization of low grade operators during the late war, the successful operation by nontechnical personnel of many electronic devices of an equally complex nature and upon which the safety of life and important property is often dependent, and the extensive and exclusive reliance at many stations on the chief engineer for all significant repair work, all militate for the adoption of the subject revisions. We find however that petitioner's proposal for the employment of a first class operator is inadequate. Petitioner proposed that the first-class operator need not be a full-time employee but only be "on call and reasonably available to ful-fill his specified duties." It is our view that each station should have in its regu-Iar full-time employment and at the station at least one operator holding a radio-telephone first-class operator license to effect and msure the proper functioning of the station equipment and the implementation of the Conelrad Plan (see par. 15) Many of the comments received stressed the desirability and prime importance of preventive maintenance. the necessity for observation and "sniffing out" of trouble by the experienced technician, and the reliance on the chief engineer for any significant repair. It is felt that the retention of at least one first-class operator will satisfy all these criteria of proper technical operation since this operator, being employed on a regular full-time basis, will have ample opportunity to detect difficulties and engage in preventive maintenance, and be readily available at all times for necessary repair work. Further, under the rules adopted herein the restricted permittee; except when under the supervision of this first-class operator; is prohibited from making any adjustment that may result in improper transmitter operation other than external adjustments in four specified situations and, after instruction, those procedures necessary to place the station in Conelrad operation. It is the Commission's opimon. that the modifications of petitioner's proposal here referred to are conclusive insurance against any degradation of its technical requirements or serious 100pardy to the safety of the operators or other personnel, and that they do not substantially inhibit the attainment of the benefits which petitioner believed would be forthcoming under its original proposal. On the basis of our experience with problems arising with the utilization of very high power equipment and the showings made in this proceeding, we have concluded that the revision of the rules to permit use of lesser grade operators and remote control shall be limited to standard non-directional and FM stations operating with the power of 10 kw

15. With respect to the Conelrad plan. it is the Commission's opinion that the plan can be implemented and put into operation by persons holding authorizations other than radio-telephone firstclass, provided they have been given adequate instruction by the station fulltime first-class operator.

16. Numerous parties asserted that the proposed amendments would result in widespread unemployment among firstclass operators, and that this factor should be accorded great weight by the Commission in reaching its determination. It is the Commission's opinion that just as under the standard of "public" convenience and necessity" in section 214 of the act, it took into consideration the question of protection of employees in office closures and reduction of hours cases involving common carriers (In the Matter of Employee Protection in Telephone and Telegraph Service Curtailments, FCC 51-177, Mimeo No. 59469) so here it may consider, under the standard of the "public interest, convenience and necessity," the effect of the proposed. amendments on the size and stability of the labor supply of technically qualified operators available to the broadcasting industry. Cf. Interstate Commerce Commission v. Railway Labor Executive Association, 315 U.S. 373, 380. However, in view of the applicable policy factorsin particular, the distinct possibility, especially with the lifting of the "freeze," that television will be able to take up a substantial degree of any resultant unemployment, the requirement that at least one first-class operator be retained in full-time employment, and the necessity of according technological progress proper Ieeway, such consideration does not compel a reversal of the foregoing conclusion.

17. Similarly with respect to the question of remote control operation, the Commission is of the opinion, in the light. of the present status of the equipment needed for such operation, the experimental demonstration of feasibility, the conditions imposed upon its authorization in petitioner's proposals and here adopted, and the salutary purposes to be accomplished by its use in appropriate situations, that authorization of the remote control operation on a regular basis is now desirable.

18. All interested parties have been afforded ample opportunity to file written comments and exhaustive comments have been received. Because of this and the further fact that most of the conflicts engendered by these comments are based on opinion, surmise, or prognostication, it does not appear that further oral presentation would be of material

assistance to the Commission upon this matter. Accordingly the requests of various parties for permission to make oral presentation are denied.

19. Authority for the adoption of the proposed amendment is contained in sections 303 of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

20. In view of the foregoing, it is ordered, That, effective 30 days afterpublication in the Federal Register. Part 3 and Part 13 of the Commission's rules and regulations, the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, and the Standards of Good Engineering Practice Concerning FM Broadcast Stations are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended: 47 U.S. C. 154. Interpret or apply sec. 303; 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: January 26! 1953. Released: January 27, 1953, By direction of the Commission.

[SEAL]

T. J. Scowie; Secretary.

I. Part 3-Radio Broadcast Services. 1. Section 3.55 is amended as follows: Delete present paragraph (b) and substitute the following:

(b) The licensee of each station shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a modulation monitor of a type approved by the Commission.

2. Section 3.60 is amended as follows: Delete present paragraph (a) and substitute the following:

(a) The licensee of each station shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a frequency monitor of a type approved by the Commission. which shall be independent of the frequency control of the transmitter.

3. Add new § 3.66 to read as follows:

§ 3.66 Remote control operation. A station which is authorized for nondirectional operation with power of 10 kilowatts or less may, upon prior authorization from the Commission, be operated by remote control at the point(s) which shall be specified in the station license. An application for authorization to operate by remote control may be made as a part of an application: for construction permit or license, or modification thereof by specifying the proposed remote control point(s) Oneration by remote control shall be subject to the following conditions:

(a) The equipment at the operating and transmitting positions shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(b) The control circuits from the operating position to the transmitter shall provide positive on and off control and shall be such that open circuits, short circuits, grounds or other line faults will not actuate the transmitter and any fault causing loss of such control will automatically place the transmitter in an inoperative condition.

- (c) Control and monitoring equipment shall be installed so as to allow the licensed operator either at the remote control point or at the transmitter, to perform all of the functions in a manner required by the Commission's rules and Standards.
- 4. Section 3.164 is amended to read as follows:
- § 3.164 Station and operator licenses; posting of. The station license and any other instrument of station authorization and the original license (or Form FCC No. 759) of each station operator shall be posted in a conspicuous place in the transmitter control room in such manner that all terms thereof are visible.
- 5. Section 3.165 is amended to read as follows:
- § 3.165 Operator requirements. (a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided below, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point.
- (b) A station which is authorized for non-directional operation with power of 10 kilowatts or less may be operated by persons holding commercial radio operator license of any class, except an aircraft radiotelephone operator authorization or a temporary limited radiotelegraph second-class operator license, when the equipment is so designed that the stability of the frequency is maintained by the transmitter itself within the limits of tolerance specified, and none of the operations, except those specified in subparagraphs (1) and (2) of this paragraph, necessary to be performed during the course of normal operation may cause off-frequency operation or result in any unauthorized radiation.37a Adjustments of transmitting equipment by such operators, except when under the immediate supervision of a radiotelephone first-class operator, shall be limited to the following:
- (1) Those necessary to commence or terminate transmitter emissions as a routine matter.
- (2) Those external adjustments that may be required as a result of variations of primary power supply.
- (3) Those external adjustments which may be necessary to insure modulation within the limits required.
- (4) Those adjustments necessary to effect any change in operating power which may be required by the station's instrument of authorization.

Should the transmitting apparatus be observed to be operating in a manner moonsistent with the station's instrument of authorization and none of the above adjustments are effective in bringing it into proper operation, a person holding other than a radiotelephone first-class operator license and not acting under the immediate supervision of radiotelephone first-class operator, shall be required to terminate the station's omissions.

(c) The licensee of a station which is operated by one or more operators holding other than a radiotelephone first-class operator license shall have one or more operators holding a radiotelephone first-class operator license in regular full-time employment at the station whose primary duties shall be to effect and insure the proper functioning of the transmitting equipment. In the event that the licensee also operates an FM broadcast station in the same community, a regular full-time radiotelephone first-class operator or operators employed in connection with the standard broadcast station may concurrently be employed to satisfy the requirements of § 3.265 (c) or § 3.565 (c) Provided, That the duties of such operator or operators concerning the FM broadcast transmitting equipment shall in nowise interfere with the proper performance of his duties with respect to the standard broadcast transmitter.

(d) The licensed operator on duty and in charge of a standard broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such other stations: Provided, however, That such duties shall in nowise interfere with the proper operation of the standard broadcast transmitter.

6. Section 3.252 is amended as follows: Delete present paragraph (a) and substitute the following:

- (a) The licensee of each station shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a frequency monitor of a type approved by the Commission which shall be independent of the frequency control of the transmitter.
- 7. Section 3.253 is amended as follows: Delete present paragraph (a) and substitute the following:
- (a) The licensee of each station shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a modulation monitor of the type approved by the Commission.
- 8. Section 3.257 is amended as follows:
- Add the following new subparagraph (8) to paragraph (b)
- (8) Change in the authorized transmitter remote control point(s)
- 9. Section 3.264 is amended to read as follows:
- § 3.264 Station and operator licenses; posting of. (a) The station license and

any other instrument of station authorization and the original license (or Form FCC No. 759) of each station operator shall be posted in a conspicuous place in the transmitter control room in such manner that all terms thereof are visible

- 10. Section 3.265 is amended to read as follows:
- § 3.265 Operator requirements. (a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided in this section, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point.
- (b) A station which is authorized with transmitter power output of 10 kilowatts or less may be operated by persons holding commercial radio operator license of any class, except an aircraft radiotelephone operator authorization or a temporary limited radiotelegraph secondclass operator license, when the equipment is so designed that the stability of the frequency is maintained by the transmitter itself within the limits of tolerance specified, and none of the operations, except those specified in subparagraphs (1) (2) and (3) of this paragraph, necessary to be performed during the course of normal operation may cause off-frequency operation or result in any unauthorized radiation. Adjustments of transmitting equipment by such operators, except when under the immediate supervision of a radiotelephone first-class operator shall be limited to the following:
- (1) Those necessary to commence or terminate transmitter emissions as a routine matter.
- (2) Those external adjustments that may be required as a result of variations of primary power supply.
- (3) Those external adjustments which may be necessary to insure modulation within the limits required.

Should the transmitting apparatus be observed to be operating in a manner inconsistent with the station's instrument of authorization and none of the above adjustments are effective in bringing it into proper operation, a person holding other than a radiotelephone first-class operator license and not acting under the immediate supervision of a radiotelephone first-class operator, shall be required to terminate the station's emissions.

(c) The licensee of a station which is operated by one or more operators holding other than a radiotelephone firstclass operator license shall have one or more operators holding a radiotelephone first-class operator license in regular full-time employment at the station whose primary duties shall be to effect and insure the proper functioning of the transmitting equipment. In the event that the licensee also operates a standard broadcast station in the same community, a regular full-time radiotelephone first-class operator or operators employed in connection with the FM broadcast station may concurrently be em-

ployed to satisfy the requirements of

§ 3.165 (c) · Provided, That the duties

Ta A person holding any class of radio operator license or permit who is authorized thereunder to perform limited operation of a standard broadcast station may, when a Conelrad Radio Alert is called, make adjustments necessary to effect operation on a Conelrad authorization: Provided, That the station's full-time radiotelephone first-class operator shall have previously instructed such person in the adjustments to the transmitter which are necessary to accomplish Conelrad operation.

of such operator or operators concerning the standard broadcast transmitting equipment shall in nowise interfere with the proper performance of his duties with respect to the FM broadcast transmitter.

(d) The licensed operator on duty and in charge of an FM broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such other stations: *Provided, however* That such duties shall in nowise interfere with the proper operation of the FM broadcast transmitter.

- 11. Add a new § 3.274 to read as follows:
- § 3.274 Remote control operation. A station which is authorized with transmitter power output of 10 kilowatts or less may, upon prior authorization from the Commission, be operated by remote control at the point(s) which shall be specified in the station license. An application for authorization to operate by remote control may be made as a part of an application for construction permit or license or modification thereof by specifying the proposed remote control shall be subject to the following conditions:
- (a) The equipment at the operating and transmitting positions shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.
- (b) The control circuits from the operating position to the transmitter shall provide positive on and off control and shall be such that open circuits, short circuits, grounds or other line faults will not actuate the transmitter and any fault causing loss of such control will automatically place the transmitter in an inoperative condition.
- (c) Control and monitoring equipment shall be installed so as to allow the licensed operator either at the remote control point or at the transmitter to perform all of the functions in a manner required by the Commission's rules and Standards.
- 12. Section 3.552 is amended as follows: Delete present language of paragraph (a) and substitute the following:
- (a) The licensee of each station licensed for transmitter power output above 10 watts shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a frequency monitor of a type approved by the Commission which shall be independent of the frequency control of the transmitter.
- 13. Section 3.553 is amended as follows: Delete the present language of paragraph (a) and substitute the following:
- (a) The licensee of each station licensed for transmitter power output above 10 watts shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a

modulation monitor of a type approved by the Commission.

- 14. Section 3.557 is amended as follows:
- Add the following subparagraph (8) to paragraph (b)
- (8) Change in the authorized transmitter remote contrôl point(s)
- 15. Section 3.564 is amended to read as follows:
- § 3.564 Station and operator licenses; posting of. (a) The station-license and any other instrument of station authorization and the original license (or Form FCC No. 759) of each station operator shall be posted in a conspicuous place in the transmitter control room in such a manner that all terms thereof are visible.
- 16. Section 3.565 is amended to read as follows:
- § 3.565 Operator requirements. (a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided in this section, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point.
- (b) A station which is authorized with transmitter power output of 10 kilowatts or less may be operated by persons holding commercial radio operator license of any class, except an aircraft radiotelephone operator authorization or a temporary limited radiotelegraph second-class operator license, when the equipment is so designed that the stability of the frequency is maintained by the transmitter itself within the limits of tolerance specified, and none of the operations, except those specified in subparagraphs (1), (2) and (3) of this paragraph, necessary to be performed during the course of normal operation may cause off-frequency operation or result in any unauthorized radiation. Adjustments of transmitting equipment by such operators, except when under the immediate supervision of radiotelephone first-class operator, shall be limited to the following:
- (1) Those necessary to commence or terminate transmitter emissions as a routine matter.
- (2) Those external adjustments that may be required as a result of variations of primary power supply.
- (3) Those external adjustments which may be necessary to insure modulation within the limits required.

Should the transmitting apparatus be observed to be operating in a manner inconsistent with the station's instrument of authorization and none of the above adjustments are effective in bringing into proper operation, a person holding other than a radiotelephone first-class operator license and not acting under the immediate supervision of a radiotelephone first-class operator, shall be required to terminate the station's emissions.

(c) The licensee of a station which is operated by one or more operators holding other than a radiotelephone first-class operator license shall have one

or more operators holding a radiotelephone first-class operator license in regular full-time employment at the station, whose primary duties shall be to effect and insure the proper functioning of the transmitting equipment. In the event that the licensee also operates a standard broadcast station in the same community, a regular full-time radiotelephone first-class operator or operators employed in connection with the FM broadcast station may concurrently be employed to satisfy the requirements of § 3.165 (c) Provided, That the duties of such operator or operators concerning the standard broadcast transmitting equipment shall in nowise interfere with the proper performance of his duties with respect to the FM broadcast transmitter Except, that (1) if the transmitter power output is in excess of 10 watts but not greater than 1 kw, an operator holding radiotelephone secondclass operator license may be on duty and perform the functions required of the radiotelephone first-class operator. or (2) if the transmitter power output is 10 watts or less, a radiotelephone second-class or radiotelegraph first- or second-class operator may be on duty and perform the functions of the radiotelephone first-class operator but need not be in regular full-time employment at the station.

(d) The licensed operator on duty and in charge of a non-commercial educational FM broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such other stations: Provided, however, That such duties shall in nowise interfere with the proper operation of the FM broadcast transmitter.

17. Add a new § 3.572 as follows:

- § 3.572 Remote control operation. A station which is authorized with transmitter power output of 10 kilowatts or less may, upon prior authorization from the Commission, be operated by remote control at the point(s) which shall be specified in the station license. An application for authorization to operate by remote control may be made as a part of an application for construction permit or license or modification thereof by specifying the proposed remote control shall be subject to the following conditions:
- (a) The equipment at the operating and transmitting positions shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.
- (b) The control circuits from the operating position to the transmitter shall provide positive on and off control and shall be such that open circuits, short circuits, grounds or other line faults will not actuate the transmitter and any fault causing loss of such control will automatically place the transmitter in an inoperative condition.
- (c) Control and monitoring equipment shall be installed so as to allow

the licensed operator either at the remote control point or at the transmitter to perform all of the functions in a manner required by the Commission's rules and Standards: Except, that in the case of a station licensed for a transmitter output power of 10 watts or less the monitoring equipment shall be installed at the remote control point so as to continuously monitor the actual FM carrier and audibly indicate the nature and quality of the program being broadcast.

- II. Standards of Good Engineering Practice Concerning Standard Broadcast Stations.
- 1. Section 15 is amended by the deletion of the first unnumbered paragraph.
- 2. Section 16 is amended by the deletion of the first unnumbered paragraph.
- 3. Section 20 is amended by the deletion of the first unnumbered paragraph.
- 4. Section 21 is amended by the deletion of the first unnumbered paragraph.
- 5. Section 22 is amended by the deletion of the first unnumbered paragraph.
- III. Standards of Good Engineering Practice Concerning FM Broadcast Stations.
- 1. Section 12 is amended by the deletion of the first sentence of this section.
- 2. Section 14 is amended by the deletion of the first unnumbered paragraph of this section.
- 3. Section 15 is amended by deleting the first two sentences of the first unnumbered paragraph of the section and the substitution of the following: "The modulation monitor may be a part of the frequency monitor."

IV. Part 13—Commercial Radio Operators.

- 1. Section 13.7 is amended as follows: Delete the words "in the case of a station licensed for service other than broadcast," appearing in lines 12 and 13 of paragraph (a)
- 2. Section 13.61 is amended by insertion of the footnote designator 19b after the word "authority" appearing in the first line thereof, and the addition of the following footnote:
- $^{105}\,\mathrm{See}$ also \S 13.62 (c) for additional operating authority with respect to standard and FM broadcast stations.
- Section 13.62 is amended by the addition of a new paragraph as follows:
- (c) The provisons of § 13.61 shall not prevent a holder of a commercial radio operator license of any class, except an aircraft radiotelephone operator authorization or a temporary limited radiotelegraph second-class operator license, from operating broadcast stations under the following conditions:
- (1) A standard broadcast station with authorized operating power of 10 kw or less and employing a non-directional antenna, an FM broadcast station with authorized transmitter output power of 10 kw or less, or a noncommercial educational FM broadcast station with authorized transmitter output power of more than 1 kw but not in excess of 10 kw Provided, That adjustments 25 of trans-

mitting equipment by such operators, except when under the immediate supervision of a radiotelephone first-class operator, shall be limited to the following:

- (i) Those necessary to commence or terminate transmitter emissions as a routine matter.
- (ii) Those external adjustments that may be required as a result of variations of primary power supply.
- (iii) Those external adjustments which may be necessary to insure modulation within the limits required.
- (av) Those adjustments necessary to effect any changes in operating power which may be required by the station's instrument of authorization.
- (2) A noncommercial educational FM broadcast station with authorized transmitter power output of more than 10 watts but not in excess of 1 km. Provided, That adjustments of transmitting equipment by such operators, except under the immediate supervision of a radiotelephone first- or second-class operator, shall be limited to those adjustments set forth in subdivisions (i) (ii) and (iii) of subparagraph (1) of this paragraph.
- (3) A noncommercial educational FM broadcast station with authorized transmitter power output of 10 watts or less: Provided, That adjustments of transmitting-equipment by such operators, except under the immediate supervision of a radiotelephone first or second-class operator or a radiotelegraph first or second-class operator, shall be limited to those adjustments set forth in subdivisions (i) (ii) and (iii) of subparagraph (1) of this paragraph.

(4) Should the broadcast transmitting apparatus be observed to be operating in a manner inconsistent with the station's instrument of authorization and none of the adjustments specifically described under subparagraph (1) (2) or (3) of this paragraph are effective in bringing it into proper operation, an operator holding a lesser grade license than that which authorizes unlimited adjustment, with respect to the class of broadcast station involved, and not acting under the supervision of a person holding the higher grade license permitting such unlimited adjustment, shall terminate the station's emissions.

(5) Except in the case of noncommercial educational FM broadcast stations with authorized transmitter output power of 10 watts or less, the special operating authority granted in this section with respect to broadcast stations is subject to the condition that there shall be in regular full-time employment at the station one or more operators of a class authorized to make or supervise all adjustments, whose primary duty shall be to effect and insure the proper functioning of the transmitting equipment. In the case of a noncommercial educational FM broadcast station with

Coneirad Radio Alert is called, make any adjustments necessary to effect operation on a Coneirad frequency in accordance with the station's Coneirad authorization: Provided, That the station's responsible first-class radiotelephone operator(s) shall have previously instructed such person in the adjustments to the transmitter which are necessary to accomplish Coneirad operation.

authorized transmitter output power of 10 watto or less such operator(s) shall nevertheless be available on call to make or cuparvise any needed adjustments.

[F. R. Dat. 53-1133; Filed, Feb. 3, .1953; 8:47 a. m.]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPPOARD IN THE MARITIME SERVICES

ERRATA

In the matter of amendment of §§ 7.306 (a) (2) 8.355 (a) (2) and 8.359 (b) of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission's order of January 2, 1953 in the above-entitled matter, published in the Federal Registre January 13, 1953, at page 256, is amended as follows:

- 1. Delete all references to § 7.306 (a) (2) including instruction 1 which reads, "1. Section 7.306 (a) (2) is amended by making the frequency '8450' listed therein read '8540'"
- 2. Delete all references to § 8.359 (b) including instruction 3 which reads, "3. Section 8.359 (b) is amended by making the reference therein to the frequency '156,2 Mc' read '156.3 Mc'."

(Sec. 4, 48 Stat. 1836, as amended; 47 U. S. C. 154. Interpret or apply sec. 383, 48 Stat. 1882, as amended; 47 U.S. C. 383)

Released: January 27, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,

[SEAL] T. J. SLOWIE, Secretary.

[F. R. Doc. 53-1177; Filed, Feb. 3, 1953; 8:54 a. m.]

PART 16—LAND TRANSPORTATION RADIO SERVICES

FILING OF APPLICATIONS

The Commission having under consideration the desirability of making certain editorial changes in § 16.54 of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (1), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended;

It is ordered, This 20th day of January, 1953, that, effective immediately, § 16.54

SA person holding any class of radio operator license or permit who is authorized thereunder to perform limited operation of a standard broadcast station may, when a

of the Commission's rules and regulations is revised as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: January 27, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, Secretary.

Section 16.54 is amended to change reference in paragraph (a) from § 16.56 (h) to § 16.56 (g) to delete paragraph (e) insert existing paragraph (c) in lieu thereof and add a new paragraph (c) so that revised § 16.54 will read as follows:

§ 16.54 Filing of applications. (a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for

Commission consideration. Standard numbered forms applicable to the Land Transportation Radio Services are discussed in § 16.56, and may be obtained from the Washington, D. C., office of the Commission, or from any of its engineering field offices. Concerning matters where no standard form is applicable, the procedure outlined in § 16.56 (g) should be followed.

(b) Any application for radio station authorization, and all correspondence relating thereto, shall be submitted to the Commission's office at Washington 25, D. C., and should be directed to the attention of the Secretary.

(c) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed.

(d) Failure on the part of the applicant to provide all the information required by the application form, or to supply the necessary exhibits or supple-

mentary statements may constitute a defect in the application.

(e) Applications involving operation

at temporary locations:

(1) When a base station or a fixed station is to remain at a single location for less than one year, the location is considered to be temporary. An application for authority to operate at temporary locations shall specify the general geographic area within which the operation will be confined. The area specified may be a city, a county or counties, a state or states, "Gulf Coast area", "Eastern U. S," etc.

(2) When a base station or fixed station authorized to operate at temporary locations remains at a single location for more than one year, an application for modification of the station authorization to specify the permanent location shall be filed within thirty days after expiration of the one year period.

[F. R. Doc. 53-1178; Filed, Feb. 3, 1053; 8:54 a, m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 9552]

THEATER TELEVISION SERVICE

NOTICE OF PROCEDURE AND ORDER OF TESTI-MONY AT HEARING ON JANUARY 26, 1953

JANUARY 22, 1953.

In accordance with the Commission's order of November 12, 1952, in the above-entitled proceeding, further sessions of this hearing will begin on January 26, 1953, at 10 a.m. in the U.S. Department of Commerce Auditorium, Fourteenth Street between E Street and Constitution Avenue NW., Washington, D. C. The procedure herein outlined will be followed in the taking of further evidence.

I. Direct testimony on engineering and accounting matters. Such testimony will be received from witnesses for the following parties in the order indicated:

A. National Exhibitors Theatre Television Committee and Motion Picture Association of America, Inc.

B. American Telephone and Telegraph Company.

C. Radio Corporation of America.

D. Western Union Telegraph Company.

E. American Petroleum Institute (A. Earl Cullum, Jr. only at this time and cross-examination of this witness will be heard following his direct testimony)

II. Cross-examination of witnesses who have presented evidence on engineering and accounting matters. Counsel for each party will be required to indicate upon conclusion of all direct testimony on engineering and accounting matters, which witnesses they wish to have recalled for cross-examination.

III. Rebuttal testimony on engineering and accounting matters. (Parties who

desire to present rebuttal witnesses should notify Commission counsel promptly, giving the names of the witnesses.)

IV. Testimony on issues other than accounting and engineering. Cross-examination of each witness will immediately follow that witness' direct testimony. Such testimony will be taken in the following order:

A. National Exhibitors Theatre Television Committee and Motion Picture Association of America, Inc.

B. Theatre Network Television, Inc.

C. Theatre Television Authority.
D. Western Union Telegraph Com-

pany. E. American Telephone & Telegraph

Company.

F. Independent Telephone Association.

G. American Petroleum Institute.

H. Aeronautical Radio, Inc.

I. American Trucking Association.

J American Civil Liberties Union. Other parties to this proceeding not listed above have indicated in their summaries of testimony filed with the Commission January 12, 1953, that they will limit their participation to cross-exammation and such rebuttal testimony as may, be necessary.

The Commission expects each party to cooperate in expediting the conclusion of the hearings by making their presentations as brief as possible and, wherever possible, by reducing direct testimony, in whole or in part, to writing and offering it for the record in that form in lieu of oral presentation.

Notice is hereby given that sessions of this hearing will be held on Mondays and Tuesdays only of each week.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE, Secretary.

[F. R. Doc. 53-1134; Filed, Feb. 3, 1953; 8:47 a. m.]

I 47 CFR Part 8]

[Docket No. 10359]

STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

EMERGENCY ANTENNA ON SHIPS

In the matter of amendment of Subpart U of Part 8 of the Commission's rules regarding the requirement of an emergency antenna on ships subject to the Safety of Life at Sea Convention, 1948.

The Commission having on December 23, 1952, adopted a notice of proposed rule making in the above entitled matter in which January 15, 1953, was designated as the last day by which original comments in the proceeding were to be filed and seven days thereafter as the last day for filing of comments in reply to original comments; the National Federation of American Shipping, Inc. having applied for an extension of time until March 2, 1953, within which to file further original comments in the proceeding; and

It appearing, that the National Federation of American Shipping has submitted original comments but proposes to investigate the matter further with the view of submitting additional comments based on such investigation; and

It further appearing, that it would be in the public interest for the record to include the additional comments of the National Federation of American Shipping, Inc., which represents a considerable portion of the ocean going merchant vessel shipping affected by the proposals in this proceeding; and

It further appearing, that additional time for filing comments will not prejudice the rights of any interested persons:

It is ordered, This 26th day of January, 1953, that an extension of time until March 2, 1953, is granted within which to file original comments in the above-captioned proceeding and that the time

within which to file reply comments to original comments in this proceeding is extended to March 9, 1953.

Released: January 27, 1953

FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE,

[SEAL] T. J. SLOWIE, Secretary.

[F. R. Doc. 53-1179; Filed, Feb. 3, 1953; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

I 7 CFR Part 70 I

GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance as hereinafter proposed of an amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto

(7 CFR Part 70) pursuant to the authority contained in the Agricultural Marketmg Act of 1946 (60 Stat. 1087; 7 U S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong. approved July 5. 1952) The amendment slightly reduces the required minimum number of containers comprising a representative sample of poultry submitted for grading and will have little or no effect on the users of the service. It has been found that the proposed decrease in the number of samples will not affect the accuracy of the grading but will increase the efficiency thereof.

All persons who desire to submit written data, views, or arguments in connection with this amendment should file the same in triplicate with the Chief of the Marketing Services Division, Poultry Branch, Production and Marketing Administration, U.S. Department of Agriculture, Room 2099 South Building, Washington 25, D. C., not later than the 15th day following publication of this notice in the Federal Register.

The proposed amendment is as follows: Change § 70.31 General, to read as follows:

§ 70.31 General. Grading service performed with respect to any quantity

of products shall, as the case may require, be on the basis of an examination, pursuant to the regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Whenever the grading service is performed on a representative sample basis, such sample shall be drawn and consist of not less than the minimum number of containers as indicated in the following table:

[Minimum number of containers comprising a representative sample]

| | C onta | | ζ |
|-----------------------------|---------------|------------------|---|
| Containers in 1st: | ಚಾ ಖಾ | mple | , |
| 3 containers, or less | | (¹) | |
| 4 to 20, inclusive | | 3 | ì |
| 21 to 59, inclusive | | 5 | j |
| 51 to 140, inclusive | | 7 | í |
| In excess of 140 containers | | (°) | |

1 All containers.

Five percent of the number of containers in the lot.

(60 Stat. 1037; 7 U.S. C. 1621; Pub. Law 451, 82d Cong.)

Issued at Washington, D. C., this 30th day of January 1953.

[SIML] EXEA TAFT BENSON,
Secretary of Agriculture.

[P. R. Doc. 53-1144; Filed, Feb. 3, 1953; 8:59 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1953 Dept. Circ. 919]

21/4 PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES A-1954

OFFERING OF CERTIFICATES

FEBRUARY 2, 1953.

I. Offering of certificates. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated 2½ percent Treasury Certificates of Indebtedness of Series A-1954, in exchange for 1½ percent Treasury Certificates of Indebtedness of Series A-1953, maturing February 15, 1953. The amount of the offering under this circular will be limited to the amount of maturing certificates tendered in exchange and accepted.

2. In addition to the offering under this circular, holders of the maturing certificates are offered the privilege of exchanging all or any part of such certificates for 2½ percent Treasury Bonds of 1958, which offering is set forth in Department Circular No. 920, issued simultaneously with this circular.

II. Description of certificates. 1. The certificates will be dated February 15, 1953, and will bear interest from the date at the rate of 2½ percent per annum, payable with the principal at maturity on February 15, 1954. They will not be

subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. Subscription and allotment. 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all

subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. Payment. 1. Payment at par for certificates allotted hereunder must be made on or bafore February 16, 1953, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series A-1953, maturing February 15, 1953, which will be accepted at par, and should accompany the subscription. The full amount of interest due on the certificates surrendered will be paid following acceptance of the certificates.

V General provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. Humphery, Secretary of the Treasury.

[P. R. Doc. 53-1175; Filed, Feb. 3, 1953; 8:53 a. m.]

No. 23-4

734 NOTICES

[1953 Dept. Circ. 920]

2½ PERCENT TREASURY BONDS OF 1958 OFFERING OF BONDS

FEBRUARY 2, 1953.

T. Offering of bonds. 1. The Secretary of the Treasury, pursuant to the authority of the second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for bonds of the United States, designated 2½ percent Treasury Bonds of 1958, in exchange for 1% percent Treasury Certificates of Indebtedness of Series A-1953, maturing February 15, 1953. The amount of the offering under this circular will be limited to the amount of maturing certificates tendered in exchange and accepted.

2. In addition to the offering under this circular, holders of the maturing certificates are offered the privilege of exchanging all or any part of such certificates for 2½ percent Treasury Certificates of Indebtedness of Series A-1954, which offering is set forth in Department Circular. No. 919, issued simultaneously

with this circular.

II. Description of bonds. 1. The bonds will be dated February 15, 1953, and will bear interest from that date at the rate of 2½ percent per annum, payable on a semiannual basis on June 15 and December 15 in each year until the principal amount becomes payable. They will mature December 15, 1958, and will not be subject to call for redemption prior to maturity.

- 2. The income derived from the bonds shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.
- 3. The bonds will be acceptable to secure deposits of public moneys.
- 4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of \$500, \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. Subscription and allotment. 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to

close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV Payment. 1. Payment at par for bonds allotted hereunder must be made on or before February 16, 1953, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series A-1953, maturing February 15, 1953, which will be accepted at par, and should accompany the subscription. The full amount of interest due on the certificates surrendered will be paid to the subscriber following acceptance of the certificates.

V General provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY, Secretary of the Treasury.

[F. R. Doc. 53-1176; Filed, Feb. 3, 1953; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 1, Amdt. 2; Region II]
SPECIFIED CLASSES OF EMPLOYEES
REDELEGATION OF AUTHORITY

Order No. 1 is amended as follows:

PART 2—AUTHORITY IN SPECIFIED
MATTERS

1. Section 2.9 is amended to read:

SEC. 2.9 Government contests. The Regional Chief, Division of Minerals Government may initiate contests against claims asserted to public lands where the mining laws, or mineral matters, are involved, except mining claims embraced in mineral entries, and the Regional Chief, Division of Lands, may mitiate Government contests against all other classes of claims asserted to public lands. The respective chiefs will take all necessary actions involving such contests, except (a) matters authorized by the regulations to be handled by the manager and (b) the presentation of the Government's case at the hearing, which will be handled by the Regional Counsel.

CLASSIFICATIONS, WITHDRAWALS, AND RESTORATIONS

2. Section 2.21 is amended to read:

SEC. 2.21 Classification of lands. The Regional Chief, Division of Lands, may

classify public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U. S. C. 315f), or pursuant to other laws, as being suitable for any type of use or disposition which the Regional Administrator is empowered to authorize.

NONMINERAL MATTERS EXCEPT RANGE MANAGEMENT AND TIMBER

3. Section 2.63 is amended to read:

Sec. 2.63 Exchanges. The managers of land offices, subject to a determination of public increst and value by the Regional Chief, Division of Lands, and to the approval of the title to the offered lands by the Regional Counsel, may approve exchanges under 43 CFR Part 146, where the value of the selected lands does not exceed \$50,000.

PART 4—EFFECT ON PRIOR ORDERS AND EFFECTIVE DATE

4. This order when approved by the Secretary of the Interior and published in the Federal Register shall amend Order No. 1 published in the Federal Register, page 8614, August 25, 1951. This order shall be effective upon approval by the Secretary of the Interior and publication in the Federal Register.

MARION CLAWSON, Director

Approved: January 29, 1953.

Douglas McKay, Secretary of the Interior

[F. R. Doc. 53-1122; Filed, Feb. 3, 1953; 8:45 a. m.]

[Order No. 46, Amdt. 2; Region III]
SPECIFIED CLASSES OF EMPLOYEES
REDELEGATION OF AUTHORITY

Order No. 46 is amended as follows:

PART 2—AUTHORITY IN SPECIFIED MATTERS

1. Section 2.9 is amended to read:

Sec. 2.9 Government contests. The Regional Chief, Division of Minerals may mitiate Government contests against claims asserted to public lands where the mining laws, or mineral matters, are involved, except mining claims embraced in mineral entries, and the Regional Chief, Division of Lands, may initiate Government contests against all other classes of claims asserted to public lands. The respective chiefs will take all necessary actions involving such contests, except (a) matters authorized by the regulations to be handled by the manager and (b) the presentation of the Government's case at the hearing, which will be handled by the Regional Counsel,

CLASSIFICATIONS, WITHDRAWALS, AND RESTORATIONS

2. Section 2.21 is amended to read:

Sec. 2.21 Classification of lands. The Regional Chief, Division of Lands may classify public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U. S. C. 315f), or pursuant to other laws, as being suitable for any type of use or disposition which

ered to authorize.

NONMINERAL MATTERS EXCEPT RANGE MANAGEMENT AND TIMBER

3. Section 2.63 is amended to read:

SEC. 2.63 Exchanges. The managers of land offices, subject to a determination of public interest and value by the Regional Chief, Division of Lands, and to the approval of the title to the offered land by the Regional Counsel, may approve exchanges under 43 CFR Part 146, where the value of the selected lands does not exceed \$50.000.

PART 4-EFFECT ON PRIOR ORDERS AND EFFECTIVE DATE

4. This order when approved by the Secretary of the Interior and published in the Federal Register shall amend Order No. 46 published in the FEDERAL REGISTER, page 8617, August 25, 1951. This order shall be effective upon approval by the Secretary of the Interior and publication in the FEDERAL REGISTER.

> MARION CLAWSON. Director

Approved: January 29, 1953.

DOUGLAS MCKAY. Secretary of the Interior

[F. R. Doc. 53-1123; Filed, Feb. 3, 1953; 8:45 a. m.]

> [Order No. 9, Amdt. 2; Region IV] SPECIFIED CLASSES OF EMPLOYEES REDELEGATION OF AUTHORITY

Order No. 9 is amended as follows:

PART 2-AUTHORITY IN SPECIFIED MATTERS

1. Section 2.9 is amended to read:

SEC. 2.9 Government contests. The Regional Chief, Division of Minerals may mitiate Government contests against claims asserted to public lands where the mining laws, or mineral matters, are involved, except mining claims embraced in mineral entries, and the Regional Chief, Division of Lands, may initiate Government contests against all other classes of claims asserted to public lands. The respective chiefs will take all necessary actions involving such contests, except (a) matters authorized by the regulations to be handled by the manager and (b) the presentation of the Government's case at the hearing, which will be handled by the Regional Counsel.

CLASSIFICATIONS, WITHDRAWALS, AND RESTORATIONS

2. Section 2.21 is amended to read:

Sec. 2.21 Classification of lands. The Regional Chief, Division of Lands may classify public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315f), or pursuant to other laws, as being suitable for any type of use or disposition which the Regional Administrator is empowered to authorize.

the Regional Administrator is empow- nonhineral matters except range man;- may initiate Government contests AGELIENT AND TIMBER

Section 2.63 is amended to read:

Sec. 2.63 Exchanges. The managers of land offices, subject to a determination of public interest and value by the Regional Chief, Division of Lands, and to the approval of the title to the offered land by the Regional Counsel, may approve exchanges under 43 CFR Part 146, where the value of the selected lands does not exceed \$50,000.

4. Section 2.66 is amended to read:

Sec. 2.66 Material other than timber The Regional Chief, Division of Minerals may act on matters relating to the sale of materials other than timber of an appraised value not to exceed \$20,000, and the free use of materials other than timber, under 43 CFR Part 259. The range managers having jurisdiction in the area may act on sales of this kind where the appraised value of the material does not exceed \$300, and on matters relating to free use.

PART 4-EFFECT ON PRIOR ORDERS AND EFFECTIVE DATE

5. This order when approved by the Secretary of the Interior and published in the Federal Register shall amend Order No. 9 published in the FEDERAL REGISTER, page 8620, August 25, 1951. This order shall be effective upon approval by the Secretary of the Interior and publication in the Federal Register.

> MARION CLAWSON. Director.

Approved: January 29, 1953.

DOUGLAS MCKAY, Secretary of the Interior

[F. R. Doc. 53-1124; Filed, Feb. 3, 1953; 8:45 a. m.]

[Order No. 24, Amdt. 2; Region V] SPECIFIED CLASSES OF EMPLOYEES REDELEGATION OF AUTHORITY

Order No. 24 is amended as follows:

PART 1-AUTHORITY IN GENERAL

1. Paragraph (b) of section 1.1 is amended to read:

Sec. 1.1 Functions of specified classes of employees.

(b) With respect to lands in Oklahoma, which are not in a land district. the functions of the manager of the land office will be performed by the Regional Chief, Division of Minerals. The Regional Chief, Division of Range Management, will issue grazing leases under section 15 of the act of June 28, 1934, as amended (43 U.S. C. 315m), and issue permits or enter into cooperative agreements to construct and maintain improvements on lands so leased, and determine the value of such improvements.

PART 2-AUTHORITY IN SPECIFIED MATTERS

2. Section 2.9 is amended to read:

SEC. 2.9 Government contests. The Regional Chief, Division of Minerals,

against claims asserted to public lands where the mining laws, or mineral matters, are involved, except mining claims embraced in mineral entries, and the Regional Chief, Division of Lands, may initiate Government contests against all other classes of claims asserted to public lands. The respective chiefs will take all necessary actions involving such contests, except (a) matters authorized by the regulations to be handled by the manager and (b) the presentation of the Government's case at the hearing, which will be handled by the Regional Counsel.

CLASSIFICATIONS, WITHDRAWALS, AND RESTORATIONS

Section 2.21 is amended to read:

Sec. 2.21 Classification of lands. The Regional Chief, Division of Lands, may classify public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U.S. C. 315f) or pursuant to other laws, as being suitable for any type of use or disposition which the Regional Administrator is empowered to authorize.

NONLUNERAL MATTERS EXCEPT RANGE MANAGEMENT AND TIMBER

4. Section 2.63 is amended to read:

Sec. 2.63 Exchanges. The managers of land offices, subject to a determination of public interest and value by the Regional Chief, Division of Lands, and to the approval of the title to the offered land by the Regional Counsel, may approve exchanges under 43 CFR Part 146, and paragraphs 149.35 to 149.43, inclusive, where the value of the selected lands does not exceed \$50,000; also exchanges under section 2 of the act of August 13, 1949 (63 Stat. 604).

PART 4-EFFECT ON PRIOR ORDERS AND EFFECTIVE DATE

5. This order when approved by the Secretary of the Interior and published in the Federal Register shall amend Order No. 24 published in the FEDERAL REG-ISTER, page 8622, August 25, 1951. This order shall be effective upon approval by the Secretary of the Interior and publication in the Federal Register.

> MARION CLAWSON, Director.

Approved: January 29, 1953.

DOUGLAS MCKAY, Secretary of the Interior

[F. R. Doc. 53-1125; Filed, Feb. 3, 1953; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GERTRUD HOFFMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the 736 NOTICES

administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gertrud Hoffmann, Berlin, Germany; Claim No. 36593; \$622.30 in the Treasury of the United States,

Executed in Washington, D. C., on January 29, 1953.

For the Attorney General.

[SEAL] ROWLAND F KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1169; Filed, Feb. 3, 1953; 8:52 a. m.l

ROSA DENTONI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rosa Dentoni, Genoa, Italy; Claim No. 39946; \$4,328.73 in the Treasury of the United States.

Executed at Washington, D. C., on January 29, 1953.

For the Attorney General.

[SEAL] ROWLAND F KIRKS,

Assistant Attorney General,

Director Office of Alien Property.

[F. R. Doc. 53-1170; Filed, Feb. 3, 1953; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

BEAVERHEAD NATIONAL FOREST, MONTANA REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on the Black Canyon Management Unit, Dillon District, Beaverhead National Forest, in the State of Montana, and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551) and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472) the following order is issued for the occupancy, use, protection, and administration of land in the Black Canyon Management Unit, Dillon District, Beaverhead National Forest:

Temporary closure from livestock grazing. (a) The Black Canyon Management Unit, Dillon District, Beaverhead

National Forest, is hereby closed from March 1, 1953, to August 31, 1954, to the grazing of horses, excepting those that are lawfully grazing on or crossing such land pursuant to the regulations of the Secretary of Agriculture, or which are used in connection with operations authorized by such regulations, or used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Beaverhead National Forest is located.

Done at Washington, D. C., this 30th day of January 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-1183; Filed, Feb. 3, 1953; 8:55 a. m.]

Office of the Secretary

OKLAHOMA

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's Order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

1. In Schedule A, under Oklahoma, in alphabetical order, add the county "McCurtain."

2. In Schedule B, under Oklahoma, delete the county "McCurtain."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 2d day of February 1953.

[SEAL] EZRA TAFT BENSON, Secretary of Agriculture.

[F. R. Doc. 53-1200; Filed, Feb. 2, 1953; 4:41 p. m.]

Production and Marketing Administration

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHOR-ITY BY THE MISSISSIPPI STATE PRODUC-TION AND MARKETING ADMINISTRATION COMMITTEE REGARDING MARKETING QUOTA REGULATIONS FOR 1953 CROP

Section 729.432 of the Marketing Quota Regulations for the 1953 Crop of Peanuts (17 F R. 10611) issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1376) provides that any authority delegated to the State Production and Marketing Administration Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Proce-

dure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the Federal Register, there are set out herein the redelegations of final authority which have been made by the Mississippi State Production and Marketing Administration Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the officer to whom the authority has been redelegated:

MISSISSIPPI

Sections 729.411 (h) (2) (ii), 729.418 (b) (5), 729.419, 729.421, 729.422 (a), 729.424 (a), 729.424 (b), (4), 729.426 (b), 729.426 (c), 729.429 and 729.430—Chairman of the State PMA Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 373, 374; 52 Stat. 38, 62, 65, as amended; 55 Stat. 88, as amonded; 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1301-1369, 1373, 1374)

Issued at Washington, D. C., this 30th day of January 1953.

[SEAL] HOWARD H. GORDON,

Administrator, Production
and Marketing Administration.

[F. R. Doc. 53-1185; Filed, Feb. 3, 1953; 8:56 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. M-58]

COASTWISE LINE

NOTICE OF POSTPONEMENT OF HEARING ON APPLICATION TO BAREBOAT CHARTER THREE GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSELS FOR EMPLOYMENT IN PACIFIC COASTWISE/BRITISH COLUMBIA/ALASKA SERVICE

The hearing scheduled in this matter for February 5, 1953, (18 F R. 634) is hereby postponed until February 12, 1953, and will be held at the same hour and place as originally scheduled.

Parties may have two (2) days within which to file exceptions to, or memoranda in support of, the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted and whether briefs in connection therewith will be received.

Dated: January 30, 1953.

By order of the Federal Maritime Board.

[SEAL] GEORGE A. VIEHMANN, Acting Assistant Secretary.

[F. R. Doc. 53-1166; Filed, Feb. 3, 1953; 8:51 a. m.]

National Production Authority

[Suspension Order 33; Docket No. 26]

MARDIGIAN CORP.

MODIFICATION

The above-entitled matter is before the chief hearing commissioner, National Production Authority, on the petition of respondent Mardigian Corporation for modification of the suspension order issued herein on September 26, 1952 (Suspension Order 33; Docket No. 26).

Pursuant to delegation issued by Morris R. Bevington, Deputy Chief Hearing Commissioner, dated November 24, 1952, a hearing was held on the petition of respondent Mardigian Corporation for modification of the aforesaid Suspension Order 33, before The Honorable Harrison W. Ewing, Hearing Commissioner, at Union Commerce Building Annex, Cleveland, Ohio, on December 10, 1952. Appearance on behalf of Mardigian Corporation was made by Ned Mellen, Esq. attorney-at-law, Detroit, Michigan, and on behalf of the National Production Authority by Leonard J. Ganse, Esq., Office of General Counsel, and John F. McCrystal, Esq., regional attorney, Sixth Regional Office, Cleveland, Ohio, National Production Authority.

Facts occurring since the date of entry of Suspension Order 33 have been determined by examination of books and records of Mardigian Corporation, at Detroit, Michigan; and a stipulation of the facts was entered into between counsel for said corporation and for the National Production Authority, and was filed herein on January 9, 1953.

Suspension Order 33 (Docket No. 26) now provides:

It is accordingly ordered:

- 1. That the allocations and allotments of aluminum to Mardigian Corporation, a corporation, for the fourth quarter of 1952, now apparently totaling 532,500 pounds, are hereby recalled and ordered to be modified and reduced by deducting and withholding therefrom 274,518 pounds.

2. That the allocation and allotments of aluminum projected to be made to the Mardigian Corporation, a corporation, for the first quarter of 1953, estimated to total 487,500 pounds—are hereby directed to be modified and reduced by deducting and withholding therefrom 274,517 pounds.

3. That except in the event that said Mardigian Corporation received additional allotment or additional allotments or allocations, and excepting such aluminum as said corporation may require to fill orders rated 10-A, B, C, E, and Z-2, B-5, and DX, said Mardigian Corporation shall not use in civilian production more than 257,982 pounds of aluminum during the fourth quarter of 1952, nor more than 212,983 pounds of aluminum during the first quarter of 1953.

4. That said Mardigian Corporation is hereby ordered and required forthwith to report and return to the control of the National Production Authority any aluminum which it may have ordered, or of which it has received actual delivery under authority of its said allotments for the fourth quarter of 1952, in excess of the quantity which it is entitled to receive and use under the preceding paragraph of this order.

Pursuant to the terms of the suspension order, Mardigian Corporation returned to National Production Authority the following amounts of aluminum allocations:

Fourth quarter 1952_____ 274, 518 First quarter 1953_____ 274, 517

Pounds

The foregoing makes a complete recoupment or pay-back of aluminum used by Mardigian Corporation in excess of the regulations.

Under paragraph 3 of the abovequoted order, Mardigian Corporation is prohibited from using "in civilian production more than 257,982 pounds of aluminum during the fourth quarter 1952, nor more than 212,983 pounds of aluminum during the first quarter of 1953." It is about these limitations on the maximum quantum of civilian production that the respondent corporation complains.

Petitioner Mardigian Corporation has shown under the stipulation of facts occurring since entry of Suspension Order 33 on September 26, 1952, that its posttion as concerns aluminum for its product has been as follows:

Pounds.

231, 516

422, 075

532,500

Aluminum inventory (Oct. 1, Carry-over of aluminum (ordered against third quarter 1952 allotments, but not delivered prior to Oct. 1, 1952) Fourth quarter 1952 allotments not delivered of aluminum.

Total____

1, 186, 691 Permissible use of aluminum in fourth quarter 1952, under Suspension Order 33, paragraph 3.__

It also appears, that because of restrictions of the suspension order limiting use of aluminum in civilian production during the fourth quarter 1952. coupled with the inventory limitations imposed by National Production Authority regulations against receipts of aluminum when the inventory is thus made excessive, Mardigian Corporation was compelled to return 229,700 pounds of third quarter allotment of aluminum, by Form CMP-12 executed December 11. 1952.

In addition, because of its inventory position (supra), and the restriction of the suspension order limiting use of aluminum in civilian production in the fourth quarter 1952, Mardigian Corporation was unable to receive and accept 116,873 pounds of aluminum under its fourth quarter 1952 allotment.

Additionally, and if the restrictions of the suspension order limiting use of aluminum in civilian production during the first quarter 1953 are continued in effect, Mardigian Corporation will be precluded from using additional amounts of aluminum in the first quarter 1953.

Mardigian Corporation has now established and is maintaining a system of records which substantially complies with National Production Authority regulations. It therefore seeks a modification of the suspension order by eliminating paragraph 3 therefrom.

Conclusions. 1. The evidence and stipulation show that Mardigian Corporation made full pay-back of the entire amount of aluminum used in excess under the regulations, viz, 549,035 pounds of aluminum, by two Form CMP-12's, issued October 13, 1952.

2. As an additional effect of the suspension order, Mardigian Corporation was prevented from acquiring and using 229,700 pounds of its third quarter 1952 aluminum allotment, which it was required to return by Form CMP-12, executed December 11, 1952.

3. Additionally, because of effect of the suspension order, Mardigian Corporation was prevented from acquiring and using 116,873 pounds of its fourth quarter 1952 aluminum allotment, which it will be required to return by a Form CMP-12, unless paragraph 3 of the suspension order be modified.

4. By the compliance performed by Mardigian Corporation, viz, by the payback of the full amount of aluminum used in excess, and by the effect of the suspension order on civilian production of the corporation and the concurrent effect thereof on the right to acquire and receive aluminum in inventory, the deterrent effect contemplated by the suspension order has been adequately achieved.

Counsel for the National Production Authority does not oppose the granting of the modification sought by Mardigian Corporation.

Wherefore, it is hereby ordered:

That Suspension Order 33 (Docket No. 26) heretofore issued in the above-entitled proceeding on September 26, 1952, be, and the same hereby is, modifled in the following respects:

(a) Paragraph 3 thereof is amended by deleting the words "nor more than 212,983 pounds of aluminum during the

first quarter of 1953;" and

(b) Said Suspension Order 33 and paragraph 3 thereof is hereby modified to the extent that it purports to limit the use by Mardigian Corporation in civilian production to not more than 257,982 pounds of aluminum during the fourth quarter 1952, and is modified so that the said Mardigian Corporation is hereby authorized to receive (and to use as a carry-over from said fourth quarter of 1952) the undelivered balance of 116,873 pounds of aluminum allotted under its fourth quarter allotment.

Issued at Washington, D. C., this 27th day of January 1953.

> NATIONAL PRODUCTION AUTHORITY,

By Morris R. Bevington, Deputy Chief Hearing Commissioner.

[F. R. Doc. 53-1248; Filed, Feb. 3, 1953; 11:41 a. m.]

[Suspension Order 48; Docket No. 59]

ACME PACKING CO. AND FIRST CALL DOG FOOD Co.

LIODIFICATION

Respondents, who are in the business of canning pet food, violated section 6 (b) of NPA Order M-25 by certifying purchase orders and using an excessive number of tin cans. This resulted in excessive inventories. They were also charged with making a false application on behalf of a company that was not in fact a packer but that represented only a separate brand of food packed by respondents. The period of violations was the last 2 quarters of 1951.

The hearing commissioner, in Suspenslon Order No. 48, directed that all pri738 NOTICES

ority assistance, allocations, allotments, and privileges be withdrawn from respondents for a period of 7 months ending June 30, 1953. The amount of excess cans was 1,091,842: this is 2,318 "base boxes," which appears to be the unit of allocation. From the evidence and from the statement of counsel at argument, respondents normally use is 1,062 base boxes per month. During the 7 months of the suspension order, respondents would therefore be deprived of 7,434 base boxes, or 3,501,414 cans, which is over three times the excess in violation.

The record is opaque on the question of wilfulness. The stipulation contains the following:

 they furnished false information in the course of operation under said order by making an application to the National Production Authority in writing, for an adjustment under section 11 of National Production Authority Order M-25 for the establishment of a quarterly packing base for packing animal and pet food under the firm name and style of First Call Dog Food Company; said respondents furnished false information and made materially false statements with respect to their organization, plant, and facilities, which false and mis-leading statements were made with intent to be acted upon by the National Production Authority; that as a result of such false and misleading information and statements furnished by the said respondents, the National Production Authority on April 26, 1951, granted the First Call Dog Food Company authority to use a quarterly packing base of 882 base boxes of tin plate for packing animal pet food; that upon discovery of such false and misleading information and statements furnished by said respondents, the National Production Authority on October 12, 1951, cancelled and revoked the quarterly packing base of 882 base boxes of tin plate granted to the First Call Dog Food Company as aforesaid; that in truth and in fact the First Call Dog Food Company owned no plant or packing facilities, had no organization, and em-ployed no personnel; that the name "First Call Dog Food' was in fact merely a brand name used on labels by the respondents for pet food packed by Acme Packing Company.

It is difficult to believe that anyone in his senses could sign such a stipulation without realizing that he was admitting a charge of wilfulness: "materially false and misleading information made with intent to be acted upon" is close to the classic definition of fraud.

Nevertheless, counsel stated the Government's position at the hearing as follows:

I would like to point out, in our statement of charges, Charge No. 5, we have alleged that the action taken by the respondents was wilful. However, in fairness to counsel for the respondents, I pointed that out, and of course he took issue with a stipulation which would agree to wilfulness, and as a consequence the stipulation has no agreement as to wilfulness. It is silent as to the question of wilfulness or not. Consequently, the stipula-tion is an admission of the facts as charged, and as a result of that, as you know, the object of these proceedings are to seek corrective and remedial action of the disruption of the National Production Authority's program with respect to our material control, Order M-25, in this case, which looks toward an adjustment of the dislocation of this excessive use of material and excessive inventories of material. We are asking for the relief—the relief which the Government

requests is a total revocation of all priorities and all allocations and allocation privileges under the NPA orders and regulations as they apply to the respondent.

We think that the stipulation is anything but "silent" on the question of wilfulness, and it is further difficult to understand the statement that "adjustment of the dislocation of this excessive use" should call for "a total revocation of all priorities."

The commissioner completed the picture by finding, after mentioning that "the stipulation does not concede wilfulness," that "at least there was gross negligence on respondents' part." This is not a finding of wilfulness, and because it is the conclusion of the fact-finder it carries great weight, although we do not doubt the power of appellate commissioners to reach an independent conclusion on the record. We might well sustain the commissioner's order upon our own finding of wilfulness if it were not for one factor to be mentioned shortly.

Before doing so we are compelled to express the opinion that the equivocal position of the Government results from the stipulation. To stipulate is a convenient way to avoid long and involved hearings, but we are inclined to think that its maximum value is in cases that fall short of wilfulness: in cases where factors of wilfulness are present, a stipulation should be limited to the admitted facts of violation. It is rather obvious that the respondents in the instant case did not write this stipulation themselves. No one would sign such statements without some feeling of coercion. This is not to say that the Government coerced these respondents, but they couldn't have signed such things unless they felt coerced by the situation in which they found themselves, It should be enough that the Government charge wilfulness, seek to prove it at the hearing, but see to it that any stipulation entered into contain only the basic facts. Respondents and their counsel, both at the hearing and in their brief, constantly asserted good faith, which is altogether inconsistent with the signed stipulation.

We are not unduly impressed by respondents' cries of innocence. The partner who testified showed himself to be an intelligent man. Faced with a mass of regulations that he asserts are difficult to understand, an intelligent man goes to a lawyer, especially when the regulations strike at the supply of materials that are the very core of his business. This partner's complaint is that the local NPA agent who spent 2 days at the plant did not warn him, but it is more persuasive to say that if he had asked the questions that were really troubling him he would have got clear answers. And his favorable interpretations of the appropriate regulations are strained, to say the least.

The factor that impels us to modify the suspension order is foreshadowed in the order itself. This is the provision that the order issue: "subject, however, to modification by NPA to relieve any satisfactorily established severe hardship to the persons for whose 'private

label accounts' Acme has been packing."
The commissioner declared himself not to be in a position to ascertain and weigh such hardship.

Respondents have presented two affidavits to this effect. One is by James Augustine, who avers that Acme packs about 3,450 cases per month for him and that Acme is his sole source of supply. The other is by Harry L. Meharry to similar effect: his volume is about 2,700 cases per month. These amounts total about 627 base boxes per month.

This has been investigated by the Government on the spot, since the appeal hearing, and has been found to be correct.

The inference is clear, however, that respondents could not exist if allowed cans enough to fill only these two accounts, and if the hardship on respondents' innocent customers is to be met realistically Acme must be allowed to operate. The only feasible way to do this is to require a reduction in allotments to the full extent of the excessive use. Since we are almost through onethird of a quarter-year, the reduction in allotments may be done on a monthly basis, beginning February 1, 1953, or it may be done equally during two successive quarters, beginning with the second quarter of 1953.

ORDER

Suspension Order No. 48 is modified as follows:

Respondents' allotments shall be reduced by a total of 1,091,842 cans, or 2,318 base boxes. Such reduction may be accomplished by six successive monthly reductions of 386 base boxes each, beginning February 1, 1953, or by two successive quarterly reductions of 1,159 base boxes each, beginning with the second quarter of 1953: the choice of methods to be at the discretion of NPA.

CURTIS BOK,
Deputy Chief Hearing Commissioner
JANUARY 13, 1953.

[F. R. Doc. 53-1249; Filed, Feb. 3, 1953; 11:42 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special cortificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops heremafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214, as amended, 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525) and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38,

40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102)

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Baltimore Goodwill Industries, 201 South Broadway, Baltimore, Md., at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 40 cents per hour, whichever is higher. Certificate is effective January 1, 1953, and expires December 31, 1953.

Pennsylvania Association for the Blind, Delaware County Branch, 100–06 West Fifteenth Street, Chester, Fa., at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour for an evaluation period of 80 hours and a training period of 120 hours, and 35 cents thereafter, whichever is higher. Certificate is effective February 1, 1953, and expires January 31, 1954.

The St. Paul Goodwill Industries, Inc., 509 Sibley Street, St. Paul 1, Minn., at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than the applicable hourly rates during the periods hereinafter specified, whichever is higher: Clerical and Switchboard, 60 cents per hour for an evaluation period of 160 hours and a training period of 160 hours, and 671/2 cents thereafter; Maintenance, 60 cents per hour for an evaluation period of 160 hours, and 671/2 cents thereafter; Waste Materials Division, 38 cents per hour for an evaluation period of 160 hours, and 421/2 cents thereafter. Certificate is effective January 1, 1953, and expires December 31, 1953.

Goodwill Industries of Orange County California, 417 West Fourth Street, Santa Ana, Calif., at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 160 hours, and 65 cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

Mount Diablo Therapy Center, 2363 Mount Diablo Boulevard, Walnut Creek, Calif., at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour for an evaluation, and/or a training period of 160 hours, and 50 cents thereafter, whichever is higher. Certificate is effective February 1, 1953, and expires July 31, 1953.

Occupation Exchange, 1843 Empire Street, Burbank, Calif., at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour for an evaluation, and/or a training period of 160 hours, and 75 cents thereafter, whichever is higher. Certificate is effective January 5, 1953, and expires July 31, 1953.

Volunteers of America, West Twentyeighth Main Avenue, Spokane, Wash.,
at a wage rate of not less than the piece
rate paid nonhandicapped employees engaged in the same occupation in regular
commercial industry maintaining approved labor standards or not less than
46 cents per hour for an evaluation, and/
or a training period of 160 hours, and 65
cents thereafter, whichever is higher.
Certificate is effective January 25, 1953,
and expires January 24, 1954.

Volunteers of America, 1921 First Avenue, Seattle 1, Wash., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 160 hours, and 62½ cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

St. Vincent de Paul Salvage Bureau, 1001 Fairview Avenue North, Seattle 9, Wash., at a wage rate of not less than the piece, rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 160 hours, and 62½ cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expired January 24, 1954.

United Cerebral Palsy Ass'ns of King County, 201 Minor North, Seattle, Wash., at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour, whichever is higher. Certificate is effective January 8, 1953, and expires July 31, 1953.

Goodwill Industries of Tacoma, 2356 South Tacoma Avenue, Tacoma, Wash., at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 160 hours, and 60 cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

The Volunteers of America, 1517 Broadway, Tacoma 2, Wash., at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 160 hours, and 75 cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

The Volunteers of America, Inc., 538 South East Ash Street, Portland, Oreg., at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 62½ cents per hour, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

Society of St. Vincent de Paul, 530 Sixth Street, Oakland, Calif., at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 50 cents per hour, and 60 cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

Goodwill Industries of Oakland, 485 Sixth Street, Oakland 7, Calif., at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 160 hours, and 60 cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

Goodwill Industries of San Francisco—Santa Cruz Branch, 204 Umon Street, Santa Cruz, Calif., at a wage rate of not less than the piece rate pand nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 160 hours, and 65 cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

Goodwill Industries of Southern California, 342 San Fernando Road, Los Angeles 31, Calif., at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 160 hours, and 65 cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

Volunteers of America, 1637 Market Street, San Diezo, Calif., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 160 hours, and 65 cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

Goodwill Industries and Gospel Mission, 13 West Salem Avenue, Roanoke, Va., at a wage rate of not less than the plece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 45 cents per hour for an evaluation period of 80 hours and a training

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period of 160 hours, and 50 cents thereafter, whichever is higher. Certificate is effective January 1, 1953, and expires December 31, 1953.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggreed by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the Federal Register.

Signed at Washington, D. C., this 27th day of January 1953.

JACOB I. BELLOW,
Assistant Chief of Field Operations.
[F. R. Doc. 53-1126; Filed, Feb. 3, 1953;
8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8736, 8955, 8975, 8976, 9175]

Television Broadcast Service and Hearst Radio, Inc.

MEMORANDUM OPINION AND ORDER SCHED-ULING ORAL ARGUMENTS

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs. for television broadcasting, Docket No. 8976; and in re application of Hearst Radio, Inc., Milwaukee, Wisconsin, Docket No. 8955, File No. BPCT-383.

- 1. The Commission has before it for consideration a further "Petition for Rehearing" filed December 17, 1952, by The Hearst Corporation requesting the Commission to reconsider its Memorandum Opinion and Order (FCC 52-1488) issued November 17, 1952, in the above-entitled proceedings, and the application of Hearst Radio, Inc., for a new commercial television broadcast station on Channel 10 in Milwaukee, Wisconsin (Docket 8955, File No. BPCT-383)
- 2. Petitioner is the assignee of Hearst Radio, Inc., an applicant for a new commercial television broadcast station in

Milwaukee, Wisconsin, on Channel 10. The application of Hearst Radio, Inc., was designated for consolidated hearing along with three other Milwaukee applications on April 29, 1948. At that time four channels were assigned to Milwaukee, Channels 3, 6, 8, and 10, with Channel 3 already being operated by Television Station WTMJ-TV. Thus, Channels 6, 8, and 10 were the subject of the Milwaukee hearing. This hearing commenced on July 28, 1948, and continued through August 6, 1948, by which time all non-engineering testimony of Hearst Radio, Inc., and substantially all such testimony of two other applicants had been presented. The fourth applicant dismissed its application prior to a scheduled further hearing and on September 3, 1948 the further hearing was postponed indefinitely on the motion of the three remaining applicants in order to permit the filing of a petition for ımmediate grant of their applications. Such a petition was filed on September 14, 1948. However, on September 30. 1948, the Commission issued its "freeze" order (FCC 48-2182) and in accordance with the provisions of this order, no decision was issued in the Milwaukee proceeding.

- 3. In its third notice of further proposed rule making (FCC 51-244) issued in the television rule making proceedings (Docket 8736 et al.) in March 1951, the Commission proposed to assign six channels to Milwaukee, VHF Channels 4, 10, and 12 and UHF Channels 10, 25, and 31, with Channel 10 reserved for noncommercial educational purposes. Thus, Channels 3, 6, and 8 were no longer proposed for Milwaukee and Channel 10 was to be reserved there for use by a noncommercial educational television station.¹
- 4. Hearst Radio, Inc., participated in the television rule making proceedings urging in its comments and evidence that "in order to permit all three applicants to provide additional and competing television services to that city at the earliest possible date and to safeguard the rights of the parties to the Milwaukee hearing—which rights were expressly reserved—the Commission's proposed allocations for Milwaukee * * be modified to provide four VHF channels for-commercial television stations instead of the two proposed." Specifically, Hearst Radio, Inc., urged that VHF Channel 6 be assigned to Milwaukee and that Channel 10 not be reserved for noncommercial educational use. On April 14, 1952, upon the completion of the rule making proceedings, the Commission issued its Sixth Report and Order (FCC 52-294) adopting the channel assignments for Milwaukee as proposed in the Third Notice, and denying the Hearst Radio, Inc., counterproposal. On this date the Commission also released, in conjunction with its Sixth Report and

Order, an Order (FCC 52-308) in Docket 8955 removing the application of Hearst Radio, Inc., as well as all the other applications for television stations in the Milwaukee hearing from the hearing docket.

- 5. On June 23, 1952, petitioner filed two petitions: (1) A "Petition for Rehearing and Reconsideration of the Sixth Report and Order" filed in the rule making proceedings in Docket 8736 et al., and (2) a "Petition for Immediate Grant and for Other Relief" directed to the application for a television station on Channel With re-10 m Milwaukee (BPCT-383) spect to the rule making proceedings petitioner sought reconsideration of the Commission's decision in the Sixth Report and Order denying the counterproposal of Hearst Radio, Inc., which had urged that VHF Channel 6 be retained in Milwaukee and that VHF Channel 10 be available for commercial assignment in that community. With respect to the application for Channel 10 in Milwaukee, petitioner requested the Commission to set aside its order removing the Hearst Radio, Inc., application from the hearing docket; to grant leave for amendment of its application to bring it up-to-date and into conformity with the new rules; and to enter an order granting the application. On June 30, 1952, petitioner had tendered for filing an amendment to the application of Hearst Radio, Inc., for Channel 10.
- 6. On November 17, 1952, the Commission issued its Memorandum Opinion and Order (FCC 52-1488) denying the petition of The Hearst Corporation for rehearing and reconsideration of the Sixth Report and Order, and also denying its petition for grant of its application. In addition, the Commission dismissed the amendment tendered for filing by The Hearst Corporation to the application of Hearst Radio, Inc., for Channel 10 in Milwaukee. Petitioner now seeks reconsideration of this action.
- 7. Petitioner contends that orderly procedure would be served if the Commission were to dispose of the pending application for Channel 10 in Milwaukee at the same time it disposes of the petitions filed by The Hearst Corporation. At the time the Commission is-sued its Memorandum Opinion and At the time the Commission is-Order on November 17, 1952, the City of Milwaukee had not yet been reached for processing in accordance with the temporary procedure instituted for handling television applications. (Section 1.371 of the rules.) Accordingly, it would have been highly inappropriate for the Commission to have considered finally the application for Channel 10 in Milwaukee at that time. Furthermore, this procedure afforded petitioner an opportunity, if it so desired in the light of our opinion on its previous petitions, to amend its application by requesting a channel available in Milwaukee to commercial applicants. The City of Mil-waukee now, however, has been reached on the processing line, and the Commission is now in a position to act on The Hearst application for Channel 10 in Milwaukee. The Hearst Corporation has not tendered an amendment to specify a channel available in Milwaukee for commercial operation. Since

¹Since Station WTMJ-TV had been operating on Channel 3 which was no longer to be assigned to Milwaukee, the Commission directed this station to show cause why its frequency should not be changed to Channel 4 which was now proposed for that community. WTMJ-TV did not object to this change in frequency.

Channel 10 has been reserved in Milwaukee for use by a noncommercial educational television station, the provisions of paragraph (j) footnote 10 of § 1.371 (Temporary Processing Procedure) and § 3.607 of the Commission's rules and regulations require the dismissal of the Hearst application.

8. The Hearst Corporation asserts that the Commission has confused the two petitions filed by it, that one was directed to the application for Channel 10 in Milwaukee requesting an immediate grant while the other was directed to the rule making proceedings in Docket 8736 et al. Petitioner contends that the Commission erred in ignoring the distinction between adjudication and rule making and that the Commission has not "given appropriate consideration to the contentions advanced in its petitions" or "made appropriate findings to justify its conclu-Petitioner maintains that the Sixth Report and Order "even assuming it to be a valid and appropriate exercise of the Commission's rule making power. cannot be legally relied on to justify a denial of petitioner's application for Channel 10 in Milwaukee." The Hearst Corporation requests that the Commission reconsider its Memorandum Opinion and Order and "pass separately on the contentions raised in the application proceeding in Docket No. 8955."

9. The prior petition of The Hearst Corporation directed to the application for Channel 10 alleged contentions that there were also offered in its petition directed to the rule making proceeding. In both petitions it was asserted that the Commission, was without authority to reserve Channel 10 in Milwaukee for educational purposes in light of the pending Hearst application for this channel. In both it was contended that since a hearing had been partially held on the Hearst application, § 1.387 (b) (3) msulates the application and the amendment of the Commission's Rules can not act to deprive Hearst of its alleged rights to be considered for Channel 10. Moreover, Hearst asserted the right to be considered prior to any consideration afforded applications for that channel which might have been filed subsequent to the hearing on Hearst's application. Our Memorandum Opinion and Order fully considered and disposed of the contentions raised by petitioner in both pleadings. We believed it would have been repetitious and unnecessary to first set forth our views with respect to those arguments in an opinion relating solely to the petition filed by petitioner with respect to the rule making proceeding and then to set forth once again the very same views in a separate opinion relating to the petition filed with respect to the application of Hearst Radio, Inc. Accordingly, we find no merit in the request that we "pass separately on the contentions raised in the application proceeding in Docket No. 8955."

10. The Hearst Corporation, it appears, desires that it be afforded oral argument with respect to the dismissal of the pending application for Channel 10 in Milwaukee (BPCT-383) We are disposed to afford it that opportunity.

Accordingly, it is ordered, That oral argument will be heard before the Commission en banc on February 16, 1953, on the following: To determine whether the pending application of Hearst Radio, Inc., for a new commercial TV station in Milwaukee, Wisconsin, on Channel 10, a channel reserved for educational use by § 3.606 of the rules, should, in light of the provisions of § 1.337 (b) (3) of the rules and the prior proceedings with respect to such application, be dismissed in accordance with the requirements of § 3.607 and footnote 10, § 1.371 of the rules.

11. It is further ordered, That the Board of Vocational and Adult Education, Milwaukee, Wisconsin, an applicant for a noncommercial educational television station on Channel 10 in Milwaukee (BPET-19), is made a party to the proceedings and will be permitted, upon its request, to participate in the oral argument ordered above.

12. It is further ordered, That the oral argument herein is calendared as argument No. 5 in the Commission's notice of oral argument for that date.

Adopted: January 23, 1953. Released: January 28, 1953.

[SEAL]

FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1135; Filed, Feb. 3, 1953; 8:48 a. m.]

[Docket No. 10335]

WESTERN UNION TELEGRAPH CO. AND RCA COMMUNICATIONS, INC.

ORDER DESIGNATING MATTER FOR HEARING ON STATED ISSUES

In the matter of the Western Union Telegraph Company, complainant, v. RCA Communications, Inc., defendant; Docket No. 10335.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of January 1953;

The Commission, having under consideration:

(a) The formal complaint of The Western Union Telegraph Company (Western Union), dated October 23, 1952, wherein it is alleged that insofar as Rule 17.01 on 2d Revised Page No. 66 of RCA Communications, Inc. (RCAC) Tariff FCC No. 60 makes provision for the furnishing of teleprinters and teleprinter tie-lines, at the expense of RCAC, to customers located in the "metropolitan areas" of cities within which its operating offices are located, it is vague and defective and therefore contrary to the requirements of § 61.55 (f) of the Commission's rules and regulations; that the provision is contrary to the provisions of the "Formula, pursuant to section 222 (e) (1) of the Communications Act of 1934, as amended, for the Distribution of Outbound International Traffic handled by The Western Union Telegraph Company following Merger with Postal Telegraph, Inc." (Formula) prescribed by the Commission in its Report

and Order of September 27, 1943, in Docket No. 6517, In the Matter of the Application for Merger of the Western Union Telegraph Company and Postal Telegraph, Inc., 10 FCC 124 (1943) and that the provision raises questions of compliance with section 214 of the Communications Act of 1934, as amended;

(b) The answer of RCAC to the aforementioned complaint, dated November 26, 1952, wherein RCAC demes in general, the allegations of Western Union contained in the aforementioned complaint:

It appearing, that the term "metropolitan areas" in the aforementioned RCAC tariff, in the absence of definitive language indicating the exact geographical areas intended to be included, might have various meanings, so that such provision may not be clear and explicit as required by § 61.55 (f) of the Commission's rules;

It further appearing, that a question is precented as to whether the afore-mentioned tariff provision whereby RCAC offers to provide teleprinters beyond the corporate limits of the gateway cities in which it operates (New York, N. Y., Washington, D. C., and San Francisco, California) is contrary to the provisions of the aforementioned Formula which establishes one set of quotas covering traffic originating in the three gateway cities and separate sets of quotas for traffic originating at hinterland points, since certain of the customers in "metropolitan areas" of the gateway cities may be located in the hinterland points while their traffic maybe regarded as gateway traffic for quota purposes under the Formula;

It further appearing, that the practice of RCAC in offering to furnish teleprinters to customers in "metropolitan areas" of cities in which it operates, raises questions of compliance with the requirements of section 214 of the Communcations Act of 1934, as amended, in that certain customers furnished such facilities might be located more than ten (10) miles from the operating office of RCAC whereas in these circumstances, such facilities may not be provided unless a certificate of public convenience and necessity is first obtained from the Commission:

It further appearing, That questions are presented to the justness and reasonableness, under section 201 of the Communications Act of 1934, as amended, of the practice and regulations provided for in the tariff schedule in question;

It is ordered. That pursuant to the provisions of sections 201, 203, 214, and 222 of the Communications Act of 1934, as amended, a public hearing shall be held on the issues presented by the pleadings herein;

It is further ordered, That without in any way limiting the presentations which the parties herein may make with respect to all of the issues raised by the pleadings herein, said parties shall present evidence with respect to the following specific issues:

(a) Whether the term "metropolitan areas" as used in the aforementioned RCAC tariff schedule in question, in the absence of definitive language indicating the exact geographical areas intended to be included in the gateway cities in

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which the carrier operates, is in violation of § 61.55 (f) of the Commission's rules;

(b) Whether the aforementioned practice of RCAC in offering to provide teleprinters to customers located beyond the corporate limits of the gateway cities in which it operates, as set forth in the tariff schedule in question, may result in violation of the aforementioned Formula.

(c) Whether the aforementioned offering of RCAC to furnish teleprinters to customers located in "metropolitan areas" of cities in which it operates is lawful under section 214 of the Communications Act of 1934, as amended;

(d) Whether the aforementioned practice and regulations of RCAC provided for in the tariff schedule in question is lawful under section 201 of the Communications Act of 1934, as amended, particularly in view of the Commission's decision in Dockets Nos. 5910 and 6104, In the Matter of Globe Wireless Ltd., etc., 9 FCC 80 (1942)

It is further ordered, That hearings in this matter shall be held at the offices of the Commission in Washington, D. C., beginning at 10:00 o'clock on the 3d day

of March 1953;

It is further ordered, That copies of this order shall be served upon the complainant and the defendant herein.

Released: January 23, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE.

[SEAL]

J. SLOWIE,
Secretary.

[F. R. Doc. 53-1136; Filed, Feb. 3, 1953; 8:48 a. m.]

[Docket Nos. 10246, 10247, 10317] OREGON TELEVISION, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Oregon Television, Inc., Portland, Oregon, Docket No. 10246, File No. BPCT-938; Columbia Empire Telecasters, Inc., Portland, Oregon, Docket No. 10247, File No. BPCT-982; Northwest Television and Broadcasting Company, Portland, Oregon, Docket No. 10317, File No. BPCT-1059 for construction permits for new television stations (Channel 12)

The Commission having under consideration the oral motion made jointly on the record of a conference held on January 22, 1953, by counsel for the three applicants in the above-entitled proceeding and for the Broadcast Bureau, that the hearing in the above-entitled proceeding now scheduled for February 12, 1953, be continued; and

It appearing, that the further hearing will be more extended than was anticipated at the time the February 12th date was fixed and cannot be concluded in one day as was believed at the time such date was fixed; and

It further appearing, that the time which it is now believed will be required for the completion of the hearing in this proceeding would not be available immediately following the presently scheduled hearing date of February 12th due to the hearings on the Portland Channel 8 and Channel 6 proceedings;

It is ordered, This the 22d day of January 1953, that the oral motion for continuance be and the same is hereby granted and the further hearing in the above-entitled proceeding is continued to April 15, 1953, at 10:00 a.m., in Washington, D. C.

Federal Communications
Commission,

[SEAL]

T. J. Slowie, Secretary.

[F. R. Doc. 53-1137; Filed, Feb. 3, 1953; 8:48 a. m.]

[Docket Nos. 10285, 10352]

PORT ARTHUR COLLEGE AND SMITH RADIO CO.

ORDER CONTINUING HEARING

In re applications of Port Arthur College, Port Arthur, Texas, Docket No. 10285, File No. BPCT-839 Joe B. Carrigan, trustee and James K. Smith, a partnership, d/b as Smith Radio Company, Port Arthur, Texas, Docket No. 10352, File No. BPCT-1013; for construction permits for new television stations.

The Commission having under consideration a petition filed by the Chief of the Commission's Broadcast Bureau on January 12, 1953, requesting that the hearing in this proceeding be continued indefinitely in order that the administrative procedure required by the filing of the application of the Jefferson Amusement Company, File No. BPCT-1440, and various pleadings, referred to in the petition, can be completed, an opposition to such petition filed by Joe B. Carrigan, Trustee, and James K. Smith, a partnership, d/b as Smith Radio Company, on January 16, 1953; oral argument heard on January 22, 1953, which was participated in by counsel for all parties to this proceeding and for the Broadcast Bureau of the Commission; and the Commission's order of December 12, 1952, continuing the hearing herein from December 15, 1952. to January 26, 1953;

It appearing, that a question is presented as to whether the aforesaid application of Jefferson Amusement Company should be dismissed or should be consolidated for hearing with the applications in the above-entitled proceeding pursuant to the provisions of \$1.387 (b) (3) of the Commission's rules; that a determination of this question and of other questions, raised by pleadings filed by parties herein and referred to in the petition for continuance, prior to the commencement of the hearing in the above-entitled proceeding, will best conduce to the proper dispatch of business and to the ends of justice; and that the amount of time necessary for the Commission to complete its consideration of such pleadings and determination of these questions, in view of its pending workload, cannot be estimated definitely at this time:

It is ordered, This 22d day of January 1953, that the petition of the Chief of the Commission's Broadcast Bureau is granted and the hearing in the above-entitled proceeding, now scheduled for

January 26, 1953, is continued indefinitely.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 53-1138; Filed, Feb. 3, 1953; 8:48 a. m.]

[Docket No. 10151]

WESTERN UNION TELEGRAPH Co.

ORDER CONTINUING HEARING

In the matter of the Western Union Telegraph Company, divestment of its international telegraph operations in accordance with section 222 (c) (2) of the Communications Act of 1934, as amended; Docket No. 10151.

The Commission having under consideration a petition filed January 23, 1953 by RCA Communications, Inc., requesting the further hearing in the aboventitled proceeding now scheduled to begin January 28, 1953, be continued until February 18, 1953; and

It appearing that the reason for the requested continuance is the fact that the attorney for petitioner, one of the respondents, is ill and will not be able to appear on the presently scheduled hearing date of January 28, 1953; and

It appearing that counsel for the several parties in the hearing have consented to the requested continuance and that action may be taken on the petition immediately, and good cause having been shown that the petition for continuance be granted;

It is ordered, this the 23d day of January 1953, that the above-mentioned petition for continuance be and the same is hereby granted and the further hearing is continued to Wednesday, February 18, 1953, beginning at 10:00 a.m., in the Offices of the Commission at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

T. J. Slowie, Secretary.

[F. R. Doc. 53-1139; Filed, Feb. 3, 1953; 8:49 a. m.]

[Docket No. 10379]

KEY BROADCASTING SYSTEM, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Key Broadcasting System, Inc., Bay Shore, New York, for construction permit; Docket No. 10379, File No. BP-8422.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of January 1953;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 1300 kc, 250 w, Day, at Bay Shore, New York;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the pro-

posed station; but that the application may involve interference with Radio Station WTNJ, Trenton, New Jersey that the application does not comply with the provisions of the rules and Standards of Good Engineering Practice relating to the requirements for the assignment of Class IV stations to regional channels and may be in contravention of § 3.35 of the rules; and

It further appearing, that by letter dated November 5, 1952, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised of the foregoing deficiencies and that the Commission was unable to conclude that a grant was in the public interest; and

It further appearing, that the applicant filed a reply in response to the above-mentioned letter; that Radio Station WINJ filed a reply to the Commission's letter and requested the subject application be designated for a hearing because of the interference to its operation: that the Commission, after consideration of the replies, is still unable to conclude that a grant would be in the public interest, and moreover, is of the opinion that under Section 316 of the Communications Act of 1934, as amended, a hearing is mandatory.

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Radio Station WINJ, Trenton, New Jersey and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations relating to the requirements for the assignment of Class IV stations to regional channels.

4. To determine the overlap, if any, which would exist between the service areas of the proposed station and of Station WKBS, Oyster Bay, New York, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission rules.

It is further ordered, That Radio Station WTNJ, Trenton, New Jersey, 1s made a party to this proceeding.

Released: January 27, 1953.

FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, [SEAL] Secretary.

[F. R. Doc. 53-1140; Filed, Feb. 3, 1953; 8:49 a. m.1

FEDERAL POWER COMMISSION

[Docket Nos. G-996, G-1429, G-1526, G-1816, G-1817, G-1818, G-1916, G-1917, G-1918, G-1919, G-1920, G-1923, G-1924, G-1926, G-1927, G-2111]

NORTHWEST NATURAL GAS CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

JANUARY 28, 1953.

In the matters of Northwest Natural Gas Company, Docket Nos. G-996, G-1916, G-1917; Pacific Northwest Pipeline Corporation, Docket No. G-1429; Westcoast Transmission Company, Inc., Docket Nos. G-1526, G-1919, G-1920; Glacier Gas Company, Docket Nos. G-1816, G-1817, G-1818; Northern Natural Gas Company Docket Nos. G-1913. G-1926, G-1927 Trans-Northwest Gas, Inc., Docket Nos. G-1923, G-1924, G-2111.

On March 27, 1952, the Commission by order consolidated, for purpose of hearing, the above-entitled proceedings, other than the proceeding in Docket No .. G-2111, and fixed the date for hearing thereon to commence on June 16, 1952.

The consolidated hearing was recessed on July 7, 1952, by the Presiding Exammer, subject to further order of the Commission. On November 25, 1952, the Commission by order reconvened the consolidated hearing to commence on February 16, 1953, and required that additional information and data, on which Applicants propose to rely, be submitted

on or before January 16, 1953. On January 16, 1953, in Docket No. G-2111, Tran-Northwest Gas, Inc. filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities and the sale of natural gas, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: The issues posed by the aforesaid application, filed January 16, 1953, in Docket No. G-2111, appear to be interrelated with those posed by other applications in the aboveentitled matters and should be consolidated with those matters for purpose of hearing.

The Commission orders: The aforesaid proceeding on the application filed by Trans-Northwest Gas, Inc. in Docket No. G-2111, be and the same is hereby consolidated with the other above entitled matters for purpose of a public hearing thereon reconvened to com-mence on February 16, 1953 at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: January 29, 1953. By the Commission.

[SEAL] LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-1127; Filed, Feb. 3, 1953; 8:45 a. m.1

[Project No. 2017]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

January 29, 1953.

Public notice is hereby given that Southern California Edison Company, of Los Angeles, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for water-power Project No. 2017 located on San Joaquin River in Fresno and Madera Counties, with transmission lines also in Tulare and Kern Counties, California, to provide for certain changes made in the course of construction or desired to be made, and consisting principally of minor revisions in the length and location of sections of pole line carrying telephone, control and project power circuits and in the length of the 220,000-ky transmission line extending from the switchrack at the project powerhouse to the switchrack at the powerhouse of Project No. 120; exclusion of a through-road: adjustment of the project boundary inclusion of a 350-kw turbine generator unit (already in-stalled) in the dam, thereby increasing the installed capacity of the project from 115,000 horsepower to 115,500 horsepower: minor changes in design, location, and elevation of the spill-way gates. intake structure, conduit, penstock, and surge chamber; revision in powerhouse design from outdoor to indoor type; and addition of nine disconnect switches and one oil circuit breaker in switchyard.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 19th day of March 1953. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY. Secretary.

[F. R. Doc. 53-1151; Filed, Feb. 3, 1953; 8:51 a. m.]

IDschet No. G-20531

GULF INTERSTATE GAS CO.

ORDER PIXING DATE OF HEARING

JANUARY 27, 1953.

On September 12, 1952, Gulf Interstate Gas Co. (Applicant), a Deleware corporation having its principal place of business at Houston, Texas, filed an application, which was supplemented on October 20, 1952, November 17, 1952, December 5, 1952, December 17, 1952, and January 12, 1953, for a certificate of

² Trans-Northwest Gas, Inc. is an applicant in the consolidated proceedings for a permit pursuant to section 3 of the Natural Gas Act, in Docket No. G-1923, and for a Presidential permit in Docket No. G-1924, pursuant to Executive Order No. 8292 dated July 13, 1939.

public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities for the transportation of natural gas in interstate commerce, subject to the jurisdiction of the Commission, all as more fully described in said application, as supplemented, on file with the Commission and open to public inspection.

Due notice of the filing of said application has been given, including publication in the Federal Register on September 26, 1952 (17 F. R. 8600)

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing at 10:00 a. m., on March 2, 1953, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application, as supplemented.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and

procedure.

Date of issuance: January 29, 1953.

By the Commission.1

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-1128; Filed, Feb. 3, 1953; 8:45 a. m.]

[Docket No. G-2102]
PACIFIC GAS AND ELECTRIC CO.
NOTICE OF APPLICATION

JANUARY 29, 1953.

Take notice that on December 15, 1952, Pacific Gas and Electric Company (Applicant) a California Corporation with its principal office in San Francisco, California, filed an application with the Federal Power Commission for a certificate of public convemence and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes: (1) The construction and operation of approximately 170.3 miles of 34-inch main pipeline loops, one new 12,500 horsepower compressor station and 2,500 horsepower addition to an existing compressor station together with appurtenant facilities to increase by 151,730,000 cubic feet per day the capacity of applicant's 34-inch pipeline extending from an interconnection with the pipeline of El Paso Natural Gas Company at the Arızona-California boundary near Topock, Arizona, to a point near Milpitas, California, at the southern end of the San Francisco Bay. (2) to connect service to the Town of Boron, California, and to supplement service to the City of Bakersfield, Cali-

forma, area; and (3) to increase the transmission capacity of applicant's pipeline from Milpitas to applicant's East Bay distribution system by the construction of approximately 8 miles of 30-inch pipeline loop between Milpitas and Irvington, California. Applicant proposes to purchase natural gas in the above additional amount from El Paso Natural Gas Company for transportation and resale in California.

The estimated cost of the additional facilities applicant proposes to construct and operate is \$26,981,851. Applicant proposes to finance the additional facilities from treasury funds on hand, from cash available from internal sources, short-term bank loans and the sale of additional securities when and as required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of February 1953. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-1148; Filed, Feb. 3, 1953; 8:50 a.m.]

[Docket No. G-2104]

SOUTHERN CALIFORNIA GAS CO. AND SOUTHERN COUNTIES GAS CO. OF CALI-FORNIA

NOTICE OF APPLICATION

JANUARY 29, 1953.

Take notice that on December 18, 1952, Southern Califorma Gas Company and Southern Counties Gas Company of Califorma (Applicants) both of which are Califorma Corporations with their principal offices at 810 South Flower Street, Los Angeles, Califorma, filed joint application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicants propose the construction and operation of approximately 73.0 miles of 30-inch main pipeline loops, and 5,280 horsepower additional capacity to Blythe compressor station, together with appurtenant facilities to increase by ·151,700,000 cubic feet per day the capacity of applicant's existing pipeline extending from an interconnection with the pipeline of El Paso Natural Gas Company at the Arizona-California boundary near Blythe, California, to a point near Santa Fe Springs in southern California. Applicants propose to purchase natural gas in the above additional amounts from El Paso Natural Gas Company for transportation and resale in southern Califorma.

The estimated cost of the additional facilities applicants' propose to construct and operate is \$7,482,194. Applicants propose to finance the additional facilities from funds currently available

and later cover them by the issuance of permanent securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of February 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary,

[F. R. Doc. 53-1149; Filed, Feb. 3, 1953; 8:50 a.m.]

[Docket No. G-2113]

Washington Gas Light Co. and Prince George's Gas Corp.

NOTICE OF APPLICATION ,

JANUARY 29, 1953.

Take notice that Washington Gas Light Company (Washington), a corporation organized and existing under the laws of the United States, having its principal place of business at Eleventh and H Streets NW., Washington, D. C., and Prince George's Gas Corporation (Prince George's) a Maryland corporation having its principal place of business at Chillum, Maryland, filed on January 22, 1953, a joint application for a certificate of public convenience and necessity to Washington pursuant to section 7 (c) of the Natural Gas Act to acquire and operate all the facilities and properties of Prince George's, and for permission and approval to Prince George's pursuant to section 7 (b) of the Natural Gas Act to abandon all of its facilities and properties by transfer to Washington, all as hereinafter described.

Prince George's is a wholly owned subsidiary of Washington and the transfer would be effected without any cash payments. Prince George's owns and operates separate 12, 16, and 22-inch pipelines which transport gas from a point near Rockville, Maryland, to the District of Columbia, a storage and compressor station, and other facilities, all of which originally cost over \$4,500,000.

Washington states that no new services are proposed and that it would operate the facilities involved in the same manner and render the same services now being performed. Joint applicants state that their facilities are fully integrated with each other and with those of Washington Gas Light Company of Maryland, Inc. Washington also proposes to acquire and operate all the facilities of this latter company which it states is engaged in distributing and selling gas at retail.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of February 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-1150; Filed, Feb. 3, 1953; 8:51 a. m.]

² Chairman Buchanan dissenting.

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-139, 59-100]

MIDDLE SOUTH UTILITIES, INC., ET AL,

ORDER CONVENING HEARING

JANUARY 29, 1953.

In the matter of Middle South Utilities, Inc., Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, New Orleans Public Service, Inc., respondents; File No. 59–100 and Electric Power & Light Corporation, File No. 54–139.

On March 7, 1949, the Commission issued its order (Holding Company Act Release No. 8906) approving, under section 11 (e) of the Public Utility Holding Company Act-of 1935 ("act") a plan for the dissolution of Electric Power & Light Corporation ("Electric") a registered holding company. Subsequent to approval by the United States District Court, the plan was consummated in May and July, 1949. That plan, which provided for the dissolution of Electric and the retirement of its outstanding securities through the exchange of certain other securities, also provided for the creation of a new holding company, Middle South Utilities, Inc. ("Middle South") which acquired all of the common stocks of Arkansas Power & Light Company ("Arkansas"), Louisiana Power & Light Company ("Louisiana") Missis-sippi Power & Light Company ("Mississippi") and 95.2 percent of the common stock of New Orleans Public Service, Inc. ("New Orleans"). Each of these companies owned electric utility assets and gas utility assets and in addition, some of these companies owned non-utility assets. Middle South also acquired from Electric all of the securities of Gentilly Development Company ("Gentilly"), a non-utility land company.

The Commission in its findings and opinion upon the plan (Holding Company Act Release No. 8889) stated that it could approve the creation of Middle South as a holding company although it was not prepared at that time to make definitive findings under section 11 of the act with respect to the integrated nature of the electric properties or the retainability of the non-electric properties. The Commission said:

The record indicates that the electric properties of the four operating companies are interconnected and that since 1930 they have been constructed and operated on a system-wide basis. This system has a common dispatcher and an operating committee which forecasts the loads, prepares over-all schedules and gives general directions to the dispatcher. The construction requirements of the companies are formulated on a system rather than on an individual basis. Thus, the determination of sites and ownership of generating facilities has been on the basis of the most economical and efficient installation from the viewpoint of the system's load requirements rather than the requirements of the individual companies.

In its order of March 7, 1949, the Commission reserved jurisdiction to institute and conduct such further proceedings under section 11 (b) of the act with respect to Middle South as may be necessary or appropriate.

Since the organization of Middle South, some of its subsidiary companies have disposed of various assets and Gentilly has disposed of its lands and now holds only cash. At the present time, Arkansas owns electric utility assets and steam properties; Louisiana owns electric utility assets, and water properties; Mississippl owns electric utility assets and water properties; and New Orleans owns electric utility assets, gas utility assets, gas utility assets, and transportation properties.

It appearing to the Commission that a further hearing should be held for the purpose of determining whether the jurisdiction heretofore reserved should be released, or whether any further action should be taken by Middle South to bring itself into conformity with the standards of section 11 (b) (1) of the act:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder that a hearing be held on February 19, 1953, at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., for the purpose of determining whether the jurisdiction heretofore reserved should be released or, in the alternative, what further action should be required to be taken by Middle South and its subsidiary companies to bring them into compliance with section 11 (b) (1) of the act. On such day the hearing room clerk will advise as to the room in which such hearing is to be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Commission on or before February 17, 1953, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities having advised the Commission that, upon the basis of its preliminary examination of the record heretofore made in the section 11 (e) plan proceedings of Electric, that the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the jurisdiction heretofore reserved in the order of March 7, 1949, with respect to the Middle South holding company system under section 11 (b) of the act should be released.

2. Whether the Commission's prima face determination that the electric utility assets of the Middle South holding company system constitute an integrated electric utility system as defined in section 2 (a) (29) (A) of the act and constitute its principal public-utility sys-

tem as set forth in section 11 (b) (1) of the act should be made definitive and final.

3. Whether Middle South and Louisiana should be required to take action to dispose of the gas utility assets and non-utility assets of Louisiana and, if so, what terms and conditions should be imposed in connection therewith.

4. What further action should be required at this time of the respondents under section 11 (b) (1) of the act.

It is further ordered, That such respondents shall file with the Secretary of the Commission on or before February 17, 1953, their joint or several answers in the form prescribed by Rule U-25 under the act, such answers to be directed to the issues herein set forth.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to the respondents named herein and to the Arkansas Public Service Commission, the Louisiana Public Service Commission, and the Commissioner of Public Utilities of the City of New Orleans, and that additional notice be given to all other persons by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission with respect to this notice and order to be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL]

Nellye A. Thorsen, Assistant Secretary.

[F. R. Doc. 53-1130; Filed, Feb. 3, 1953; 8:45 a. m.]

[File No. 70-2979]

INTERSTATE POWER Co.

ORDER PERMITTING DECLARATION IN RESPECT OF ISSUANCE OF BANK NOTES AND RESERV-ING JURISDICTION IN RESPECT OF PRO-POSED ISSUANCE OF SUCH NOTES

JANUARY 29, 1953.

Interstate Power Company ("Interstate") a registered holding company and an operating public utility company, has filed a declaration and an amendment thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act")

Interstate proposes to issue and sell, at the principal amount thereof, on or before April 30, 1953, and on or before November 15, 1953, notes in the aggregate principal amounts of \$2,000,000 and \$2,300,000, respectively. The notes are to bear interest at the rate of 31/4 percent per annum, are to mature 360 days from the dates of issuance or April 15, 1954, whichever date is the earlier, and are to be issued to the Chase National Bank of the City of New York and to Manufacturers Trust Company in equal amounts not to exceed \$2,150,000 to each bank in accordance with the terms of a loan agreement dated December 1, 1952. An aggregate commitment fee of \$5.750 is to be paid in equal proportions to said banks. The notes are to be prepayable in whole or in part at any time without pre-

¹⁰ While the operating committee is composed of representatives from each of the operating companies, the nature of their functions is such as to make them representatives of the system rather than of the individual companies.

mium, provided however, that if such prepayment is to be made from, or in anticipation of, any bank borrowing the company is to pay a premium calculated at the rate of 1 percent per annum on the principal amount so prepaid from the date of prepayment to the maturity date of such notes.

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Interstate has requested the Commission to authorize; at this time, the issuance and sale of \$2,000,000 aggregate principal amount of such notes in equal amounts to said banks on or before April 30, 1953, and to reserve jurisdiction in respect of the issuance and sale of the additional \$2,300,000 principal amount of such notes. It is stated that the proceeds of the \$2,000,000 of notes presently to be issued are to be used to redeem a like principal amount of notes of Interstate due April 30, 1953, held by said banks.

Said declaration having been filed on December 29, 1952, and the amendment thereto having been filed on January 12, 1953, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for or ordered a hearing in respect of said declaration, as amended; and

The Commission finding that the proposed transactions are in compliance with the applicable standards of the act, that no adverse findings are necessary in connection therewith, and the Commission deeming it appropriate that said declaration, as amended, be permitted to become effective forthwith, without the imposition of conditions other than those prescribed by Rule U-24, and the Commission also deeming it appropriate to grant declarant's request that the order herein become effective upon its issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declarations, as amended, in respect of the issuance and sale by Interstate of \$2,000,000 aggregate principal amount of 3½ percent notes, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and it hereby is, reserved over the issuance and sale by Interstate of an additional \$2,300,000 principal amount of 3½ percent notes until a further order shall have been issued in respect thereof by this Commission.

It is further ordered, That this order shall become effective immediately upon its issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-1129; Filed, Feb. 3, 1953; 8:45 a.m.]

W EARLE LUTTS AND W E. LUTTS & CO.
MEMORANDUM OPINION AND ORDER REVOKING
BROKER-DEALER REGISTRATION

JANUARY 28, 1953.

In the matter of W Earle Lutts, d/b/a, W E. Lutts & Company, 3 Capital Street, Concord, New Hampshire.

This is a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("Exchange Act") to determine whether W Earle Lutts ("registrant") a sole proprietor doing business as W. E. Lutts & Company, is now permanently enjoined by decree of a court of competent jurisdiction from engaging in or continuing certain conduct and practices in connection with the purchase and sale of securities, and, if so, whether it is in the public interest to revoke his registration with this Commission as a broker-dealer.

In response to our order for proceedings, registrant filed an "answer and consent" in which he waived a hearing, proposed findings, briefs, and oral argument, admitted the existence of the facts and cause of action set forth in the order for proceedings for the purpose of this or any other proceeding ordered by the Commission under section 15 of the Exchange Act, and consented to the entry of an order revoking his registration as a broker and dealer.

Registrant admits, and we find, that on September 12, 1952, the United States District Court for the District of New Hampshire entered a final judgment permanently enjoining registrant from using the mails or means of interstate commerce to accept money and securities on the representation that he is able to execute orders without disclosing that he is unable to meet his current liabilities, to transact a business in securities unless he makes and keeps current books and records and files accurate annual financial reports, or to engage in any act, practice or course of business which would operate as a fraud and deceit upon any person in connection with the purchase or sale of any security.2

On the basis of the foregoing, we conclude that it is in the public interest to revoke registrant's registration as a broker and dealer.

Accordingly, it is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration as a broker and dealer of W Earle Lutts, doing business as W E. Lutts & Company, be, and it hereby is, revoked.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 53-1131; Filed, Feb. 3, 1953; 8:46_a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27750]

VERMICULITE FROM TRAVELERS REST, S. C., TO POINTS IN OFFICIAL (INCLUDING ILLI-NOIS) TERRITORY

APPLICATION FOR RELIEF

JANUARY 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Vermiculito, broken, crushed or ground, dried or not dried, not expanded, carloads.

From. Travelers Rest, S. C.

To: Points in official (including Illinois) territory.

Grounds for relief: Rail and market competition, circuity, and grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1346, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission. in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W Laird, Acting Secretary.

[F. R. Doc. 53-1142; Filed, Feb. 3, 1953; 8:49 a. m.]

[4th Sec. Application 27751]

PETROLEUM PRODUCTS FROM FULLERVILLE, Tex., to Points in Southwestern, Southern, Official, and Western Trunk-Line Territories

APPLICATION FOR RELIEF

JANUARY 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Petroleum, its products, and related articles, carloads.

From: Fullerville, Tex.

To: Points in southwestern, southern, official, and western trunk-line territories.

Grounds for relief: Rail competition, circuity, and grouping.

^{*}Section 15 (b) of the Exchange Act provides in pertinent part: "The Commission shall, after appropriate notice and opportunity for hearing, by order * * revoke the registration of any broker or dealer if it finds that such * * revocation is in the public interest and that (1) such broker or dealer * * * (C) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security * * *"

²S. E. C. v. W. Earle Lutts, Civil Action File No. 1081 (D. C. N. H. 1952) (unreported).

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3585—Supp. 536, No. 3802—Supp. 135, No. 3825—Supp. 166, No. 3651—Supp. 309, No. 3724—Supp. 164, No. 3494—Supp. 264.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W. Laird, Acting Secretary.

[F. R. Doc. 53-1143; Filed, Feb. 3, 1953; 8:49 a. m.]

[4th Sec. Application 27752]

COAL FROM HAZARD DISTRICT KENTUCKY
MINES TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JANUARY 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.
Commodities involved: Coal, carloads.
From: Hazard district Ky (1.8N)

From: Hazard district, Ky., (L&N) mines.

To: Points in southeastern and Carolina territories.

Grounds for relief: Rail and market competition, circuity, and grouping.

Schedules filed containing proposed rates: L&N RR. tariff I. C. C. No. A-16745, Supp. 30. C. A. Spaninger,

Agent, I. C. C. No. 1332, Supp 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As pro-vided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W. Land, Acting Secretary.

[F. R. Doc. 53-1141; Filed, Feb. 3, 1953; 8:49 a. m.].

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

FIELD OFFICE LOCATIONS

ORGANIZATIONAL STATEMENT

Pursuant to section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002) the Organizational Statement (17 F. R. 675) as amended (17 F. R. 7515, 8937, 10124) is further amended in the following respects:

The description of the location and area of Regions I, II, III, IV VI, VII, and X contained in Article LLL, section 33 Locations of Field Offices, is amended by deleting the following branch offices:

REGION I-BOSTON, MASSACHUSETTS

Springfield, Massachucetts.

REGION II-NEW YORK

Albany, New York. Buffalo, New York. Rochester, New York. Trenton, New Jersey.

REGION III-PHILADELPHIA, PENTISYLVANIA

Erie, Pennsylvania. Camden, New Jersey.

REGION IV-RICHMOND, VIEGUMA

Norfolk, Virginia. Raleigh, North Carolina.

REGION VI-CLEVELAND, OHIO

Toledo, Ohio. Columbus, Ohio. Cincinnati, Ohio. Grand Rapids, Michigan.

REGION VII-CHICAGO, ILLINOIS

Springfield, Illinois. Peoria, Illinois. Green Bay, Wisconsin.

REGION X-DALLAS, TEXAS

Fort Worth, Texas. Lubbock, Texas. Shreveport, Louisiana. Tulsa, Oklahoma.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 2, 1953.

[F. R. Doc. 53-1216; Filed, Feb. 2, 1953; 2:23 p. m.]

[Delegation of Authority 52, Revision 1, Amdt. 1]

DIRECTORS OF REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICE ADJUST-MENTS PURSUANT TO SECTION 91 OF CPR 117, REV. 1

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, as amended, this Amendment 1 to Delegation of Authority 52, Revision 1, is hereby issued.

Delegation of Authority 52, Revision 1, section 1, is amended to read as follows:

1. Authority to act under sections 36, 53, and 91 of CPR 117, Revision 1. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act, by order, on all applications under the provisions of sections 36, 53, and 91 of Ceiling Price Regulation 117, Revision 1.

This Amendment 1 to Delegation of Authority 52, Revision 1, shall be effective February 9, 1953.

Joseph H. Freehul, Director of Price Stabilization.

FEBRUARY 3, 1953.

[P. R. Doc. 53-1257; Filed, Feb. 3, 1953; 4:01 p. m.]

[Ceiling Price Regulation 17, Section 11 (d), Special Order No. 14]

Josephine County, Oregon, Marketing Area

ADJUSTMENT OF TANK WAGON CEILING PRICES OF FUEL OIL DISTRIBUTORS

Statement of considerations. This special order adjusts the ceiling prices for sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) by tank wagon distributors in the Josephine County, Oregon, Marketing Area.

The Office of Price Stabilization was requested by distributors in the Josephine County, Oregon, Marketing Area to conduct a survey to determine whether increased costs have reduced the net margins in the area below a point sufficient to maintain the level of earnings in the year ending May 31, 1950. The results of that survey show that an upward adjustment is necessary to bring earnings to that level.

There is a large number of heating oil sellers at the tank wagon level in this region and the need for relief is not umform, but varies from marketing area to marketing area. Thus it is concluded that the adjustment must be on a marketing area basis, rather than on a region-wide basis. For the purpose of this special order the market area has been defined as the area within the boundaries of Josephine County, Oregon.

The adjustment granted by this order does no more than bring earnings to the level of the year ending May 31, 1950. It is therefore, consistent with the provisions of section 11 (d) of Ceiling Price Regulation 17.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to the provisions of section 11 (d) of Celling Price Regulation 17 and Delegation of Authority No.

72, It is ordered:

1. That the ceiling price of heating oil distributors in the Josephine County, Oregon, Marketing Area for tank wagon sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) to consumers shall be increased by \$0.003 per gallon. The Josephine Coun-

ty Marketing Area is defined as the area within the boundaries of Josephine County, Oregon.

- 2. All provisions of Ceiling Price Regulation 17, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.
- 3. This order may be amended, modified, or revoked at any time.

Effective date. This special order shall become effective on January 30, 1953.

E. R. THISSEN,
Acting Regional Director
Region XIII,
Office of Price Stabilization.

JANUARY 29, 1953.

[F. R. Doc. 53-1117; Filed, Jan. 29, 1953; 4:56 p. m.]

[Ceiling Price Regulation 17, Section 11 (d), Special Order No. 15]

WALLA WALLA, WASHINGTON, MARKETING AREA

ADJUSTMENT OF TANK WAGON CEILING PRICES OF FUEL OIL DISTRIBUTORS

Statement of considerations. This special order adjusts the ceiling prices for sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) by tank wagon distributors in the Walla Walla Marketing Area.

The Office of Price Stabilization was requested by distributors in the Walla Walla Marketing Area to conduct a survey to determine whether increased costs have reduced the net margins in the area below a point sufficient to maintain the level of earnings in the year ending May 31, 1950. The results of that survey show that an upward adjustment is necessary to bring earnings to that level.

There are hundreds of heating oil sellers at the tank wagon level in this Region and the need for relief is not uniform but varies from marketing area to marketing area. Thus it is concluded that the adjustment must be on a marketing area basis rather than on a region-wide basis. For the purpose of this special order the market area has been defined as the area of reseller competition, which is the same as the free delivery zones.

The adjustment granted by this order does no more than bring earnings to the level of the year ending May 31, 1950. It is, therefore, consistent with the provisions of section 11 (d) of Ceiling Price Regulation 17.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 11 (d) of Ceiling Price Regulation 17 and Delegation of Authority No. 72, It is ordered.

1. That the ceiling price of heating oil distributors in the Walla Walla marketing area for tank wagon sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) to consumers shall be increased by \$0.005 per gallon. The Walla Walla marketing area is defined as the area in which dealers located in Walla Walla and College Place make deliveries without an additional charge.

2. All provisions of Ceiling Price Regulation 17, except as inconsistent with the provisions of this order shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified, or revoked at any time.

Effective date. This special order shall become effective on January 30, 1953.

E. R. THISSEN, Acting Regional Director, Region XIII, Office of Price Stabilization.

JANUARY 29, 1953.

[F. R. Doc. 53-1118; Filed, Jan. 29, 1953; 4:56 p. m.]

[Ceiling Price Regulation 17, Section 11 (d), Special Order No. 16]

YAKIMA, WASHINGTON, MARKETING AREA

ADJUSTMENT OF TANK WAGON CEILING PRICES OF FUEL OIL DISTRIBUTORS

Statement of considerations. This special order adjusts the ceiling prices for sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil). by tank wagon distributors in the Yakıma marketing area.

The Office of Price Stabilization was requested by distributors in the Yakima marketing area to conduct a survey to determine whether increased costs have reduced the net margins in the area below a point sufficient to maintain the level of earnings in the year ending May 31, 1950. The results of that survey show that an upward adjustment is necessary to bring earnings to that level.

There are hundreds of heating oil sellers at the tank wagon level in this Region and the need for relief is not uniform but varies from marketing area to marketing area. Thus it is concluded that the adjustment must be on a marketing area basis rather than on a region-wide basis. For the purpose of this special order the market area has been defined as the area of reseller competition, which is the same as the free delivery zones.

The adjustment granted by this order does no more than bring earnings to the level of the year ending May 31, 1950. It is, therefore, consistent with the provisions of section 11 (d) of Ceiling Price Regulation 17.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 11 (d) of Ceiling Price Regulation 17 and Delegation of Authority No. 72, It is ordered.

1. That the ceiling price of heating oil distributors in the Yakima marketing area for tank wagon sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) to consumers shall be increased by \$0.004 per gallon. The Yakima marketing area is defined as that area in which dealers located in Yakima, Union Gap, and Selah make deliveries without an additional charge.

2. All provisions of Ceiling Price Regulation 17, except as inconsistent with the provisions of this order shall remain

in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified, or revoked at any time.

Effective date. This special order shall become effective on January 30, 1953.

E. R. Thissen,
Acting Regional Director,
Region XIII,
Office of Price Stabilization

JANUARY 29, 1953.

[F. R. Doc. 53-1119; Filed, Jan. 29, 1953; 4:58 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 47]

SOUTH LEWISBURG FIELD, ACADIA PARISH, LOUISIANA

CRUDE CONDENSATE CEILING PRICES AD-JUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude condensate produced from the South Lewisburg Field, Acadia Parish, Louisiana.

The Office of Price Stabilization has been requested to eliminate the differential heretofore imposed upon crudo condensate produced from the South Lewisburg Field, Acadia Parish, Louisiana. During the base period full production had not been attained; installation of adequate pipe line transportation was not then available; and there was a lack of competitive factors and, as a result, this crude condensate was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and this differential should no longer be imposed.

From the information available to this Office, it appears that this requested price of \$2.85 per barrel flat does not exceed the ceiling price of comparable crude condensate produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, It is ordered.

1. That the ceiling price at the lease receiving tank for crude condensate produced from the South Lewisburg Field, Acadia Parish, Louisiana shall be: \$2.85 per barrel flat.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

modities covered by this order.
3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on January 30, 1953.

JOSEPH H. FREEHILL, Director of Price Stabilization.

JANUARY 29, 1953,

[F. R. Doc. 53-1120; Filed, Jan. 29, 1953; 4:57 p. m.]